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W.P.No.29075 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2022

CORAM :

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

AND

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

W.P.No.29075/2022 and WMP.Nos.28356 and 28356/2022

1. R.Saraswathi

2. R.Lakshmi

3. T.Karthikeyan

4. K.C.Kanagasabapathy

5. S.Balasubramanian @ Baskar

.. Petitioners

vs.

The Assistant Engineer
(Water Resources Organisations),
River Conservation Division,
Public Works Department,
Karur.

.. Respondent



W.P.No.29075 of 2022

WEB COPY

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records on the file of the respondent in Letter No.95A, 95B, 95E, 95H/K06/2022, dated 12.09.2022 and subsequent Notice in Form-III dated 30.09.2022 and quash the same.

For Petitioners :: Mr.P.Kannan Kumar

For Respondent :: Mr.A.Selvendran,
Spl.G.P.

ORDER

(Order of the Court was made by Mr. Justice D.Krishna Kumar)

Challenging the Letter No.95A, 95B, 95E, 95H/K06/2022, dated 12.09.2022 followed by subsequent Notice in Form-III issued under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 by the respondent dated 30.09.2022 asking the petitioners to vacate and hand over the land-in-question in their occupation in Caveri River Bank, Kodumudi Taluk, Erode District, in Survey Nos.671 and



W.P.No.29075 of 2022

WEB COPY

671/1 respectively and for quashing of the same, the writ petitioners have filed the present Writ Petition.

2. Learned Counsel appearing for the petitioners would submit that the petitioners are in occupation of nearly 900, 170, 100, 1880 and 450 sq.fts. of lands in Caveri River Bank, Kodumudi Taluk, Erode District, in Survey Nos.671 and 671/1 respectively for more than 30 years by putting up temporary sheds and also selling pooja articles to the pilgrims visiting the temple and river and some of them have inherited the shops through their ancestors. They have also got electricity and gas connections etc. and also paying floor rent to the respondent. While so, the respondent herein has issued a Notice-cum-Eviction Order dated 23.07.2022 to the petitioners to vacate the lands in their possession and hand over vacant possession of the same on or before 30.07.2022. Against the same, the petitioners have also given their representations and also filed five writ petitions. Thereafter, though an order has been passed by this Court to consider the representation of the petitioners, without considering the same and without conducting any



W.P.No.29075 of 2022

WEB COPY

enquiry, the notice dated 12.09.2022 followed by Form III Notices dated 30.09.2022 have been issued to the petitioners. Subsequently, out of the 5 writ petitioners, 3 of them have been removed from the land-in-question by the respondent and only 2 of them are now in the land-in-question.

3. Learned Counsel for the petitioners would further submit that now the remaining two writ petitioners are also ready to vacate the place-in-question. However, now the petitioners seek for providing an alternative place for doing their business as they are eking out their livelihood from the income derived from the said business.

4. Mr.A.Selvendran, learned Special Government Pleader appearing for the respondent objecting the same would submit that the petitioners who are carrying on commercial activities on the water bodies have no legal right to continue their business in the said land, therefore, the impugned notices have been rightly issued.



W.P.No.29075 of 2022

WEB COPY

5. In view of the above statement made by the learned Special Government Pleader appearing for the respondent, we are not inclined to interfere with the impugned Letter dated 12.09.2022 followed by the Form-III Notices dated 30.09.2022. Therefore, we direct the petitioners, who are still in possession, to vacate the land-in-question and hand over the possession of the same to the respondent, within a period of four weeks from the date of receipt of a copy of this Order, failing which, the respondent shall take further action for evicting them from the land-in-question without any further notice.

6. With the above direction and observation, the Writ Petition is disposed of with liberty to the petitioners to seek their remedy for providing alternative place to the respondent, if they are so advised. No costs. Consequently, connected Miscellaneous Petitions are closed.

(D.K.K, J.) (T.V.T.S.J.,)

22.11.2022

D.KRISHNAKUMAR, J.,
and



WEB COPY



W.P.No.29075 of 2022

T.V.THAMILSELVI, J.,
tsi

To

The Assistant Engineer
(Water Resources Organisations),
River Conservation Division,
Public Works Department,
Karur.

W.P.No.29075 of 2022

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WEB COPY



W.P.No.29075 of 2022