



W.P.Nos.578 to 587 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos.578 to 587 of 2018

W.P.No.578 of 2018:

A.Laila

.. Petitioner

Vs

- 1.The District Collector,
Kancheepuram District,
Kancheepuram.
- 2.The Member-Secretary,
Chennai Metropolitan Development Authority,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 3.The Tahsildar,
Pallavaram Taluk,
Chennai-600 043.
- 4.The Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Adyar Irrigation Work,
St. Thomas Mount, Chennai-16.



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5. Casa Grand Builder Private Limited,
Devi Apartments,
New No.III, Old No.59, NPL, LB Road,
Thiruvannamiyur, Chennai-41.

.. Respondents

(Respondent No.5 suo motu impleaded as per
the order dated 16.7.2018)

etc. batch

Prayer: Petitions filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records relating to the impugned order in Form-III Rule 6(1) passed by the fourth respondent dated 2.11.2016 and to quash the same.

For the Petitioners : Mr.R.Prabhakaran

For the Respondents : Mr.J.Ravindran
Additional Advocate General
assisted by
Mr.A.Selvendran
Spl. Government Pleader
for respondent Nos.1, 3 & 4

: Mr.C.N.Vinoba
Standing Counsel
for respondent No.2

: No appearance
for 5th respondent



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COMMON ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

Calling into question the notices dated 2.11.2016 issued in Form-III under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 [for brevity, "*the Rules of 2007*"], these writ petitions have been filed. The impugned notices issued by the fourth respondent indicate that the petitioners are in possession and occupation of one part of Adyar River in Survey No.178 and they were directed to remove the encroachments within 21 days from the date of the said notices, failing which it was stated that the encroachments would be removed by the respondent authorities at the cost of the petitioners.

2. Learned counsel for the petitioners would submit that the petitioners have built up thatched houses in Survey No.178; that they were granted electricity service connections; and, that their properties have been assessed to property tax. It is further submitted that similarly placed persons were granted pattas and, therefore, the impugned notices claiming that the land is a waterbody



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is unjustified and liable to be quashed.

3. Learned counsel for the petitioners further submitted that the respondent authorities demolished some of the shops with JCBs and warned the petitioners that they will have to vacate the area. It is the specific case of the petitioners that the land in question is not a water body and it is clearly classified as “Prime Residential Area” and, therefore, the impugned notices deserve to be set aside.

4. Mr.J.Ravindran, learned Additional Advocate General, assisted by Mr.A.Selvendran, learned Special Government Pleader, appearing on behalf of respondents 1, 3 and 4 produced a copy of the 'A' Register, which is a vital revenue document, to show that the land in Survey No.178 is classified as “Aaru” [River].

5. After perusing the 'A' Register produced by learned Additional Advocate General, we called upon learned counsel for the petitioners to refer the documents which establish the right of the petitioners over the land in question. Learned counsel for the petitioners could not produce any shred of material to prove the right



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of the petitioners over the land in question. We are, therefore, not inclined to entertain the writ petitions challenging the impugned notices dated 2.11.2016.

In the result, the writ petitions fail and they are dismissed. There will be no order as to costs. Consequently, W.M.P.Nos.713, 715, 717, 719, 721, 723, 725, 727, 729 and 731 of 2018 are closed.

(T.R., ACJ.) (D.B.C., J.)
13.02.2023

Index : No
Neutral Citation : No
sasi



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