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WP Nos.9952 of 2023 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2023

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WP Nos.9952, 9963, 9972, 9974, 9977, 9961, 9964, 9965, 9967,
9970 of 2023

WP No.9952 of 2023

M.Panchanathan

... Petitioner

versus

1.Government of Tamil Nadu
Rep by its Secretary
Public Works Department
Fort St. George, Secretariat,
Chennai- 600 009.

2.The District Collector
Office of the District Collectorate
Chengalpet District, Chengalpet.

3.The Junior Engineer
Public Works Department
Water Resources Organisation
Government of Tamil Nadu
Irrigation Division, Padappai- 601 031.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India
praying for a Writ of Certiorari to call for records pertaining to the



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issue of notice for the removal of encroachment dated 02.03.2023 duly issued by the Junior Engineer, Public Works Department, Water Resources Organisation, Irrigation Division, Padappai-601301, in connection with the petitioner's property comprised in Door No.92 Anna Street, North Sanjay Gandhi Nagar, Pallavaram, Chennai- 43 within survey No.385.

For the Petitioner : Mr.D.Ashok Kumar

For the Respondents : Mr.P.Muthukumar,
State Government Pleader

COMMON ORDER

(Made by the Hon'ble Acting Chief Justice)

Mr.Panchanathan and nine others have filed separate writ petitions challenging the show cause notice dated 02.03.2023, issued by the third respondent, calling upon the petitioners to remove the encroachment from the land covered in S.No.432, Ward 'B', Block 45, T.S.No.13, Jamin Pallavaram-2 Village, Pallavaram Circle, Chengalpat District.

2. Learned counsel for the petitioners in all these writ petitions submitted that none of the petitioners are living in the land covered in S.No.432, Ward 'B', Block 45, T.S.No.13, Jamin Pallavaram Village-2, Pallavaram Circle, Chengalpat District. On the other hand, they are living only in the land covered in S.No.385, which is a patta land.



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Learned counsel also submitted a copy of the patta, but we are unable to read it, since it is an illegible copy. Even the Government Pleader could not read it.

3. Be that as it may, when the petitioners make a claim that the impugned show cause notice calling upon them to vacate from the land covered in S.No.432 has nothing to do with them as they are all living in S.No.385, a direction may be given to the respondents not to disturb the petitioners, as they have not encroached any land.

4. Mr.P.Muthukumar, learned State Government Pleader, submitted that the order impugned is merely a show cause notice. The petitioners have got two options: (i) if the petitioners are not living in the land covered in S.No.432, they can ignore the show cause notice, and no action would be taken against them and they can even discard the show-cause notice (ii) if they are living in S.No.432, which according to the them is not an yeri or waterbody, but it is only patta land, they should give a detailed representation, with supporting documents, showing that their possession and enjoyment cannot be disturbed.



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5. This Court is of the view that since the learned counsel for the petitioners has categorically submitted that all the petitioners are residing only in patta land in S.No.385 and none of them are living in the land covered in S.No.432, the writ petitions are dismissed, directing the respondents to remove the encroachment only from the waterbody in S.No.432. If only the respondents are of the view that the petitioners are in S.No.432, encroaching the waterbody, final orders be passed in accordance with law and proceed further.

6. There will be no order as to costs. Consequently, WMP Nos.10003, 10008, 10010, 10012, 10014, 10017, 10020, 10026, 10029, 10034 of 2023 are closed.

(T.R., ACJ.) (D.B.C., J.)
31.03.2023

Index : Yes/No
Neutral Citation : Yes/No
tar

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To

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