



W.P.Nos.19282 of 2023 and etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.Nos.19282, 19285, 19288, 19289, 19290, 19291,
19296, 19297, 19304, 19308, 19320, 19323 & 19326 of 2023

[W.P.No.19282 of 2023]

K.Devaraj

.. Petitioner

Vs.

1. The Junior Engineer
Public Works Department
Water Resources Organisation
Irrigation Section
Padappai – 601 301.

2. The Tahsildar
Velacherry, Chennai – 42.

[R2 impleaded vide order dated 11.07.2023
in W.P.Nos.19282 of 2023 and etc. batch]

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari, calling for the records pertaining to the impugned order ordering for removal of encroachment issued by the



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respondent under Form III dated 07.06.2023 under Sub Rule 1 of Rule 6 of Tamil Nadu Protection of Tanks and Eviction of Land Encroachment Rules, 2007 and quash the same.

For the Petitioners : Mr.T.N.Rajagopalan
in all W.Ps

For the Respondents : Mr.P.Muthukumar
in all W.Ps State Government Pleader
assisted by Mrs.R.Anitha
Special Government Pleader

COMMON ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.T.N.Rajagopalan, learned counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader assisted by Mrs.R.Anitha, learned Special Government Pleader for the respondents.

2. Learned counsel for the petitioners submits that as per the directions of this Court in order dated 27.01.2022 in W.P.No.8028 of 2018, the first respondent had not issued notice to the petitioners before the survey of the land.



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3. According to learned State Government Pleader, the survey was conducted and the writ lands were found to be water bodies.

4. It appears that notice was not issued to the petitioners before the survey as per the directions of the Division Bench of this Court in W.P.No.8028 of 2018 dated 27.01.2022. In the light of that, learned State Government Pleader submits that fresh survey would be conducted.

5. Learned counsel for the petitioners seeks leave to implead the Tahsildar, Velacherry as a respondent. The leave for impleadment is granted. Mr.P.Muthukumar, learned State Government Pleader accepts notice for the added respondent.

6. The petitioners shall remain present in the office of the Tahsildar, Velacherry at 11.00 am on 26.07.2023. Thereafter, the Tahsildar shall conduct the survey on the said date. In the light of that, no service of notice to the petitioners would be necessary. If for some reason survey cannot be conducted on 26.07.2023, then on any



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further date with due intimation of the date to the petitioners, survey would be conducted. Depending upon the survey conducted, the parties may take further steps.

7. The writ petitions, accordingly, are disposed of. There will be no order as to costs. Consequently, W.M.P.Nos.18535, 18538, 18541, 18543, 18542, 18544, 18550, 18581, 18590, 18578, 18827, 18551, 18557, 18558 & 18559 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

11.07.2023

Index : Yes/No
Neutral Citation : Yes/No

drm

To

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THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU, J.

(drm)

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