



WP No.20406 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2023

CORAM :

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

AND

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

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and WMP Nos.19774 to 19776 of 2023

1. K.Devadoss
2. E.Kabali
3. N.Ethiraj
4. V.Shanmugam
5. S.Gajendran
6. C.Indra
7. A.Natarajan
8. S.Anjali
9. A.Loganathan
- 10.K.Chandrasekaran
- 11.R.Thangapandiammal
- 12.R.Vasugi
- 13.V.Rathinavalli
- 14.S.Rukmani
- 15.V.Shanmugam
- 16.V.Sudhakar
- 17.P.Saroja
- 18.R.Amudha
- 19.P.Alamelu
- 20.K.Sundari
- 21.V.Amsa
- 22.M.Elumalai
- 23.A.Pushpa
- 24.K.Govindasamy
- 25.M.Dhanasekaran
- 26.J.Seenivasan



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27.Jamuna
28.K.Omana Bai
29.K.Subramani
30.A.Kanaga
31.A.Rajeshwari
32.E.Malliga
33.M.R.Rajendran
34.A.Thirunavukkarasu
35.S.Balaraman
36.S.Nagammal
37.G.Babi
38.M.Sivakumar
39.S.Saradha
40.A.Rani
41.Ponnammal
42.Thenmozhi

.. Petitioners

-VS-

1. The Government of Tamilnadu,
rep. by the Additional Chief Secretary,
Revenue Department, Fort St. George,
Chennai 600 009.
2. The Engineer-in-Chief,
Water Resources Organisation,
Chepauk, Chennai 600 005.
3. The Collector,
Chennai District, Chennai.
4. The Tahsildar,
Velachery, Chennai.
5. The Junior Engineer,
Irrigation Section,
Water Resources Organisation,
Padappai 601 301.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned Form-III eviction orders issued to the petitioners by the 5th respondent dated 8.6.2023 and quash the said orders and direct the respondents to consider granting Patta for the petitioners' lands as directed by the Hon'ble Division Bench of this Court in W.P.No.7964 of 2009 dated 28.04.2009.

For the Petitioners : Mr.P.Rajendran

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

* * * * *

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

We have heard Mr.P.Rajendran, learned counsel for the petitioners and Mr.P.Muthukumar, learned State Government Pleader, for the respondents.

2. The learned counsel for the petitioners submits that the petitioners are residing in the writ site for more than 40 years. They are entitled to the benefit of the Government Order dated 30.12.2006 and 31.03.2008.



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3. If some encroachment is made on the waterbody, the same cannot be regularised. In similar matters relating to the same property, we have passed orders. The petitioners and the respondents in the present writ petition also would be bound by the same order passed on 11.07.2023 in W.P.No.19282 of 2023 with connected writ petitions.

4. The petitioners shall remain present in the office of the Tahsildar, Velachery at 11.00 a.m. 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 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.

The writ petition is, accordingly, disposed of. There will be no order as to costs. W.M.P.No.19774 of 2023 filed to permit the petitioners to file a single writ petition is allowed and disposed of,



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inasmuch as they have paid separate sets of court fee.

Consequently, other connected miscellaneous petitions are closed.

(S.V.G., CJ.)

(P.D.A., J.)

12.07.2023

Index : yes/no

Neutral Citation : Yes/No

sra

To:

1. The Additional Chief Secretary,
Government of Tamilnadu,
Revenue Department, Fort St. George,
Chennai 600 009.
2. The Engineer-in-Chief,
Water Resources Organisation,
Chepauk, Chennai 600 005.
3. The Collector,
Chennai District, Chennai.
4. The Tahsildar,
Velachery, Chennai.
5. The Junior Engineer,
Irrigation Section,
Water Resources Organisation,
Padappai 601 301.



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

(sra)

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