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W.M.P.No.22048 of 2023 in
W.P.No.7821 of 2023

W.M.P.No.22048 of 2023 in
Writ Petition No.7821 of 2023

THE HON'BLE CHIEF JUSTICE
and
D.BHARATHA CHAKRAVARTHY, J.

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

The applicant seeks modification of the order dated 15.03.2023 passed in W.P.No.7821 of 2023.

2. Mr.Srinivas, learned Senior Counsel for the applicant submits that this Court, while passing the order under modification, did not issue notice to the present applicant though the present applicant was the fifth respondent in the writ petition. Learned Senior Counsel submits that in fact, about 500 buildings are abutting the seashore, but only the present applicant is singled out. According to the learned Senior Counsel, the minimum principles of natural justice are required to be adhered while passing the order under modification.



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3. This Court has only recorded the statement of the learned State Government Pleader that a survey would be conducted with the assistance of the jurisdictional surveyor and if any encroachment is found, the same would be removed after issuing notice to the encroachers.

4. Learned State Government Pleader submits that the survey was conducted and notice was issued. According to the learned State Government Pleader, the original writ petitioner is also an encroacher and notice was also issued to him.

5. This Court, while passing the order in the writ petition, did not come to the conclusion that the present applicant is an encroacher or otherwise. Survey was directed to be conducted and thereafter, if any encroachment is found, then the same was directed to be removed after issuing notice to the encroachers. The order was not restricted to the fifth respondent in W.P.No.7821 of 2023. The order stated that if any encroachment is found, the same shall be removed after issuing notice. If the Government found that the



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original writ petitioner is also an encroacher, the Government is supposed to remove the said encroachment. The Government cannot single out a particular person as an encroacher and is at liberty to remove the encroachment, as may be permissible under law.

6. In case the present applicant has any other right, the applicant may avail the same.

7 . In view of that, the present petition stands disposed of. There will be no order as to costs.

(S.V.G., CJ.) (D.B.C.,J.)
13.10.2023

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