



W.P.No.26646 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.09.2023

CORAM :

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

AND

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

W.P.No.26646 of 2023

Chitra

.. Petitioner

Vs.

1. The District Collector
Chennai District
Rajaji Salai, Chennai – 600 001.

2. The Junior Engineer
Water Resources Department
Irrigation Division, Padappai
Chengalpattu District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records pertaining to advance notice for eviction passed by the second respondent dated 22.08.2023 under Act8 of 2007 – Tamil Nadu Protection of Tank and Eviction of Encroachment Act, 2007 pertaining to petitioner's residential house situated at No.29/32, Erikarai Street, Medavakkam Main Road, Adambakkam, Chennai – 600 088 comprised in S.No.104/1 of Adambakkam Village, Alandur Taluk, Kancheepuram District measuring to an extent of 1200 Sq.ft and quash the same as illegal, unconstitutional and unreasonable and consequently forbearing the respondents from in any way interfering with the petitioner's peaceful possession and enjoyment of the aforesaid property particularly by evicting the petitioner from her premises except due process of law.



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For the Petitioner : Mr.G.V.Sridharan

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

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.G.Sridharan, learned counsel for the petitioner and Mr.P.Muthukumar, learned State Government Pleader for the respondents.

2.1. Learned counsel for the petitioner submits that the impugned notice is issued under the provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. Prior to the issuance of the impugned notice, no show-cause notice has been issued.

2.2. It is submitted by learned counsel for the petitioner that the Association has already filed a suit, however, the petitioner is not a Member of the Association.



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3. Considering the submissions made by learned counsel for the petitioner, the impugned notice shall be considered as a show-cause notice and the petitioner shall file a reply to the same within a period of ten days from today along with relevant documents.

4. If a reply is filed by the petitioner within a period of ten days from today, the respondent Authorities shall consider the same and take a decision afresh with regard to the encroachment or otherwise. Depending upon the decision taken, the parties may take further steps, as may be permissible under law.

5. With these observations, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.26081 of 2023 is closed.

(S.V.G., C.J.)

(P.D.A., J.)

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Index : Yes/No
Neutral Citation : Yes/No

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

(drm)

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