



WEB COPY

W.P.No.30972 of 2



THE HIGH COURT OF JUD ICATURE AT MADRAS

DATED: 26.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY
AND
THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.No.30972 of 2023
and
WMP.No.30596 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: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent dated 12.10.2023 comprised in proceedings in No.Adambakkam, pertaining to petitioner's residential house situated at No.29/32, Medavakkam Main Road, Adambakkam, Chennai – 600 088,



W.P.No.30972 of 2

WEB COPY

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.

For Petitioner : Mr.G.V.Sridharan

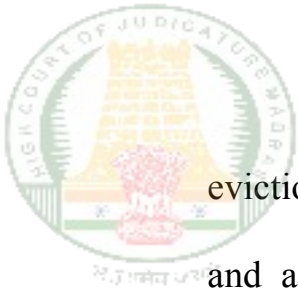
For Respondents : Mr.A.Selvendran
Special Government Pleader

ORDER

(Order of the Court was made by D.BHARATHA CHAKRAVARTHY, J.)

This writ petitioner challenges the order dated 12.10.2023 passed by the Junior Engineer, Water Resources Department, the 2nd respondent herein.

2.Earlier, when an order of eviction was passed against the petitioner, this Court, by an order dated 13.09.2023 in W.P.No.26646 of 2023, directed the petitioner to file a reply to the earlier impugned notice of



eviction and if a reply is filed, the same was directed to be considered afresh and a decision to be taken afresh. From the records produced by the petitioner, it is seen that, by an inter-office communication, the Special Tahsildar has rejected the objections submitted by the petitioner by a communication dated 05.10.2023, whereas, in the impugned order, the 2nd respondent proceeds as if no reply was submitted by the petitioner, after the orders of this Court. In that view of the matter, it is clear that there is non-application of mind.

3.The earlier order of this Court is to direct the 2nd respondent, the authority who has passed the order of eviction, to consider the explanation and pass appropriate orders on merits and in accordance with law. Since the same has not been complied with, we are inclined to dispose of this writ petition on the following terms :

- i. The order impugned in this writ petition dated 12.10.2023 passed by the 2nd respondent is set aside.
- ii. The 2nd respondent is directed to consider the explanation submitted by the petitioner on 05.10.2023 on merits and in accordance with law and pass orders afresh.



iii. No costs. Consequently, connected miscellaneous petition is closed.

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(D.B.C.,J.) (V.L.N., J.)

26.10.2023

mkn/kkn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking

Neutral Citation : Yes/No

To

1.The District Collector,
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WEB COPY

W.P.No.30972 of 2



D.BHARATHA CHAKRAVARTHY, J.
and
V.LAKSHMINARAYANAN, J.

MKN/KKN

W.P.No.30972 of 2023

26.10.2023