



WEB COPY

W.P.Nos.10424 and 5063 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and**

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.Nos.10424 and 5063 of 2020

and

W.M.P.Nos.12676, 12677, 5983 and 5985 of 2020

1. M.Eswaran (deceased)
2. E.Saraladevi
3. E.Maheswari
4. E.Krithika
5. E.Balasubramani ... Petitioners in W.P.No. 104247 of 2020
[P2 to P5 substituted as LR's of the deceased
sole petitioner vide order dated 25.02.2021]

N.Senthilvel ... Petitioner in W.P.No.5063 of 2020

Vs.

1. The District Collector,
Chennai District,
Singaravelar Maligai,
No.62, Rajaji Salai, 4th Floor,
Chennai – 600 001.
2. The Tahsildar,
Ambattur Taluk,
Ambattur, Chennai – 600 053.
3. The Section Officer,
Public Works Department (Water Resource Organization),



Redhills Irrigation Wing,
Redhills, Chennai – 600 052.

... Respondents in both W.Ps

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 3rd respondent herein in Notice dated 16.12.2019 and the consequent notice no. / p.a /2020 dated 27.01.2020 and quash the same and consequently direct the first respondent herein to regularize and issue patta to the petitioner.

For Petitioners : Mr.Navaneetha Krishnan,
Senior Counsel for Mr.R.S.Anandan
(in both W.Ps)

For Respondents : Mr.A.Selvendran,
Special Government Pleader
(in both W.Ps)

COMMON ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM, J.**)

The notice issued for removal of encroachments in water body under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 is under challenge in the present Writ Petitions.

2. No writ against a notice is entertainable, unless it is issued by an incompetent authority having no jurisdiction or tainted with the allegations of *malafides*. Therefore, the writ petitioners are at liberty to submit their



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objections along with the documents, if any within a period of two weeks from the date of receipt of a copy of this order. On receipt of any such objections, the respondents shall look into the grounds raised and ascertain the encroachments, if any, in the water body and thereafter, remove the same without causing any further delay. The entire exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

3. Accordingly, these Writ Petitions are disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

(S.M.S.,J.) (K.R.S.,J.)
26.03.2024

skr
Index : Yes

To

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2. The Tahsildar,



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Ambattur Taluk,
Ambattur, Chennai – 600 053.

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