



W.P.Nos.15121, 15126, 15127, 15129 & 15130 of 2020 (5 cases)

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.Nos.15121, 15126, 15127, 15129 & 15130 of 2020
and
W.M.P.Nos.18869 , 18878 & 18882 to 18884, of 2020

A.Ganesavalli	... Petitioner in W.P.No.15121 of 2020
M.Jayakumar Sentilkumar	... Petitioners in W.P.No.15126 of 2020
K.Ranjith	... Petitioner in W.P.No.15127 of 2020
M.S.Poornachandran	... Petitioner in W.P.No.15129 of 2020

Vs.

- 1.The District Collector,
Chengalpet District.
- 2.Thasildhar,
Pallavaram Taluk.
- 3.The Chief Engineer,
Public Works Department Officer,
Kamarajar Promenade, PWD Estate,
Chepauk, Triplicane,
Chennai, Tamil Nadu – 600 005. ... Respondents in all W.P's



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Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from disturbing the peaceful possession and enjoyment of the petitioner's property situated in Old Nos.4, 13 & 8, New Nos.5, 14 & 9 and D.Nos.1 & 6, respectively in Nehru St, Kamarajar Nagar, Zamin Pallavaram morefully described in the petition mentioned schedule.

For Petitioners : Mr.Samjayaraj Houston
for Sarvabhauman Associates
(in all W.P's)

For R1 to R3 : Mr.A.Selvendran
Special Government Pleader
(in all W.P's)

COMMON ORDER

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

The present writ petitions have been filed to forbear the respondents from disturbing the peaceful possession and enjoyment of the petitioners property comprised in Old Nos.4, 13 & 8, New Nos.5, 14 & 9 and D.Nos.1 & 6, respectively situated in Nehru Street, Kamarajar Nagar, Zamin Pallavaram.



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2. The apprehensions of the petitioners were that the respondents are initiating action to evict the petitioners from the subject property. Thus, the present writ petition came to be instituted.

3. Mr.A.Selvendran, learned Special Government Pleader would oppose by stating that the petitioners are the encroachers of 'Water course Poramboke' (Waste Water Channel). Therefore, the Authorities are empowered to initiate action to evict the encroachers by following the due process of law. *Per contra*, learned Counsel for the petitioner would submit that the due process has not been followed.

4. In view of the facts and circumstances, the respondents are directed to issue a show cause notice to all the alleged encroachers. On receipt of any objections, if any, take a decision and if any encroachments are identified, then remove all such encroachments and utilize the lands for public purpose. At the outset, the due process as contemplated under the Act and Rules are to be followed by the competent Authorities before evicting the encroachers. The said exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above directions, all the Writ Petitions are disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S.J.] [K.R.S.J.]
21.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

1.The District Collector,
Chengalpet District.

2.Thasildhar,
Pallavaram Taluk.

3.The Chief Engineer,
Public Works Department Officer,
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S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

veda

Order in
W.P.Nos.15121, 15126, 15127,
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(5 cases)

21.03.2024
(2/2)



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