



WEB COPY



WP Nos.22495, 22502, 22504 and 22508 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2024

CORAM:

THE HON'BLE MR.D. KRISHNAKUMAR, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE P.B. BALAJI

WP Nos.22495, 22502, 22504 and 22508 of 2024

Fathima	... Petitioner in WP No.22495 of 2024
Jereena	... Petitioner in WP No.22502 of 2024
Maheswari	... Petitioner in WP No.22504 of 2024
Aashiya	... Petitioner in WP No.22508 of 2024

versus

1.The Commissioner,
Coimbatore Corporation,
Coimbatore.

2.Tahsildar,
Madukarai Taluk,
Coimbatore Taluk.

...Respondents in

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WP Nos.22495, 22502, 22504 and 22508 of 2024

all WPs

PRAYER in all WPs: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Certiorari, calling for the records pertaining to the order in Na.Ka.No.5834/2021/H1/S dated 24.07.2024 which was affixed on 26.07.2024 by the first respondent and quash the same as illegal and arbitrary and pass orders.

For the Petitioners :Mr.P.Tamilavel

For the Respondents :Mr.K.M.D.Muhilam
Standing Counsel
for first respondent
Mr.A.Edwin Prabakar
State Government Pleader
for second respondent

COMMON ORDER

(Made by the Hon'ble Acting Chief Justice)

The writ petitions are filed challenging the order in Na.Ka.No.5834/2021/H1/S dated 24.07.2024 which was affixed on 26.07.2024 by the first respondent.

2. According to the Department, the property in question is a Vellalore Rajavaikal Arasu Poromboku and the petitioners have constructed



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houses in the property in question. Therefore, notice has been served to the petitioners for removal of encroachment in the water body.

3. Learned counsel for the petitioners disputed the aforesaid fact and stated that the petitioners have not constructed houses on the water body and the same are only on the side of the water body.

4. In view of the aforesaid disputed facts, on 05.08.2024, this court had directed the second respondent to conduct a survey, with the assistance of a Surveyor, in the presence of the petitioners as well as aggrieved persons and file a report before this Court.

5. Today, a report has been filed along with plan and sketch, in which, it is seen that houses have been constructed in the center of the water body and therefore, we are not inclined to entertain the writ petition.

6. At this juncture, learned counsel for the petitioners stated that petitioners seek two months' time to vacate the property in question. To that



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extent, the petitioners shall file an affidavit before this court on or before 27.08.2024 at 5:00 pm, failing which, the authority concerned is permitted to take necessary action for removal of encroachment in the property in question. We make it clear, on filing the affidavit on or before 27.08.2024, the petitioners have to voluntarily vacate and handover the possession to the respondent corporation within two months, failing which, the respondent Corporation is permitted to take possession of the property in question, after two months by removing the encroachment without any further notice.

7. With the above directions, the writ petitions stand disposed of. There shall be no order as to costs. Consequently, WMP Nos.24506, 24510, 24513, 24515, 24519, 24520, 24523 and 24525 of 2024 are closed.

(D.K.K., ACJ.) (P.B.B., J.)
22.08.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn



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THE HON'BLE ACTING CHIEF JUSTICE
and
P.B. BALAJI, J.

(mrn)

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