



WEB COPY



Cont.P.No.2817 of 2024
and W.P.Nos.34557, 35632 and 34631 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2024

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Contempt Petition No.2817 of 2024

and

W.P.Nos.34557, 35632 and 34631 of 2024

and WMP Nos.37467; 38491, 38492, 37561 and 37562 of 2024

Contempt Petition No.2817 of 2024:

Sankar

.. Petitioner

Vs

1.K.Selvakumar,
Executive Engineer,
PWD, WRO (Water Resource Organisation
of Public Work Department),
Palar Basin Division, Kanchipuram.

2.A.R.Rahul Nath,
District Collector,
Chengalpattu District Collector Office,
Chengalpattu.



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3.A.Aruna,
District Collector,
Singaravelar Maligai,
No.62, Rajaji Salai, Chennai Collectorate,
Chennai-600 001.

4.S.Sivakumar,
Tahsildar,
Office of the Tahsildar,
Sholinganallur Taluk Office,
South Chennai.

.. Respondents

Prayer : Petition filed under Section 11 of the Contempt of Courts Act, 1971 to punish the respondents holding guilty of civil contempt for the willful disobedience of the order of this Court made in W.P.No.22671 of 2023, dated 2.8.2023.

For Petitioner : Mrs.Sudharshana Sundar
for M/s.F.Terry Chella Raja

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.T.K.Saravanan
Government Advocate

: Mr.K.Selvakumar
Executive Engineer
Water Resources Department
Lower Palar Basin Division
Kancheepuram
[Appeared in person]



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: Mr,C.Anandan
Deputy Tahsildar
Shalinganallur Taluk
[Appeared in person]

W.P.No.34557 of 2024:

P.R.Sambasivam

.. Petitioner

Vs

- 1.The Principal Secretary,
The Government of Tamil Nadu,
Public Works Department,
Fort St. George, Chennai-600 009.
- 2.The District Collector,
Chennai District,
Rajaji Salai, Chennai-600 001.
- 3.The Tahsildar,
Sozhinganallur Taluk,
Chennai-600 119.
- 4.The Junior Engineer (Irrigation Section),
Water Resources Division,
Public Works Department,
Govt. Higher Secondary School Campus,
Padappai, Kancheepuram District-601 301.
- 5.The Revenue Divisional Officer,
South Chennai Zone,
Guindy, Chennai-600 032.



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6.J.Shankar

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records on the files pertaining to the FORM – III, (notice for demolition) dated 7.11.2024, issued by the fourth respondent, and quash the proceedings therein as illegal, incompetent, without jurisdiction, and direct the fourth respondent to stop further proceedings against the petitioner.

For Petitioner : Mrs.Sudharshana Sundar
for M/s.Nanchill J.Rajkumar

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.T.K.Saravanan
Government Advocate
for respondents 1 to 5

W.P.No.35632 of 2024:

G.Arumugam

.. Petitioner

Vs

- 1.The District Collector,
District Collectorate,
Chengalpattu District.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Chengalpattu District.



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3.The Additional Chief Secretary,
Water Resources Department,
PWD Estate, Kamarajar Salai,
Chepauk, Chennai-600 005.

4.The Chief Engineer,
Chennai Region,
PWD Estate, Kamarajar Salai,
Chepauk, Chennai-600 005.

5.The Assistant Engineer,
Water Resources Department,
Irrigation Division, Office of the Assistant Engineer,
PWD and WRD – Padappai Irrigation Division,
Padappai – 601 301.

6.Sushil Kumar

7.Jenita Sofana

8.Dhanappan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the fifth respondent dated 7.11.2024 under Section 6 of the Land Encroachment Act and quash the same.

For Petitioner : Mr.N.A.Nissar Ahmed
Senior Advocate
for Mr.N.A.Nassir Hussain

For Respondents : Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.T.K.Saravanan
Government Advocate
for respondents 1 to 5



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W.P.No.34631 of 2024:

1.T.G.Sankar Babu
2.R.A.Dinesh Babu
3.R.Selvaraju

.. Petitioners

Vs

1.The State of Tamil Nadu,
rep. by its Secretary,
Public Works Department,
Fort St. George, Chennai-600 009.

2.The District Collector,
Chennai District,
Chennai-600 001.

3.The Assistant Engineer,
Public Works Department,
Water Resources Organisation,
Padappai Irrigation Division,
Padappai-601 301.

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records on the file of the third respondent related to Form III proceedings signed on 7.11.2024, pertaining to the residential properties of the petitioners situated at Plot No.72a, Varsham Apartment, Bhavani Street, Kolathur, Chennai-600 117, quash the same.

For Petitioners

: Mr.S.Madhu Balaaji
for Mr.M.Ravi



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For Respondents

: Mr.A.Edwin Prabakar
State Government Pleader
assisted by
Mr.T.K.Saravanan
Government Advocate

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

Smt. Sudarsana Sundar and Shri Nissar Ahmed state that their respective clients, who are petitioners in W.P.No.34557 of 2024 and W.P.No.35632 of 2024, are law abiding citizens and, if there is any encroachment by them, the State is at liberty to remove that encroachment.

2. Smt. Sundar further stated that her client's land is in Survey No.383/2B2(P), 383/5A, 383/5B2, 383/63, 383/64 and, if any portion has been encroached in Survey No.373, which is a waterbody, that can be removed. Smt. Sundar further stated that her client has agreed for removal of about 100 square feet of waterbody that he had encroached.



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3. Shri Nissar Ahmed states that his client's property is in Survey No.373/2A/3, whereas the waterbody is only in Survey No.373/1.

4. Shri Madhu Balaaji states that his clients' property is in Survey No.383 [Plot No.72a).

5. Shri Prabakar states that proper survey will be conducted in the presence of petitioners or their authorized representatives and the encroached portions will be removed. Counsels for writ petitioners have no objection to that and stated that they shall cooperate with the department for survey.

6. We are not going into the details at this point of time and we leave it open to the surveyors and the department to do the needful.

7. Shri Prabakar states that survey will be conducted on 18th December, 2024 and the surveyors will arrive at the spot by 10.30 A.M. Petitioners' representatives may remain present. We direct the surveyors



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to arrive at the spot at the time mentioned above and not to make anybody wait.

8. The department shall take all steps in accordance with law and remove the encroached area based on the survey to be conducted.

9. Contempt Petition No.2817 of 2024 and the writ petitions, being W.P.Nos.35632, 34557 and 34631 of 2024, are disposed of. There shall be no order as to costs. Consequently, W.M.P.No.37561 of 2024 filed by the petitioners to join together and file a single writ petition is allowed subject to payment of separate court fees within two weeks. All other interim applications stand closed.

(K.R.SHRIRAM, C.J.)

(SENTHILKUMAR RAMAMOORTHY, J.)

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Index : Yes/No
NC : Yes/No
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To:

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The Government of Tamil Nadu,
Public Works Department,
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- 2.The District Collector,
Chennai District,
Rajaji Salai, Chennai-600 001.
- 3.The Tahsildar,
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- 4.The Junior Engineer (Irrigation Section),
Water Resources Division,
Public Works Department,
Govt. Higher Secondary School Campus,
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- 8.The Additional Chief Secretary,
Water Resources Department,
PWD Estate, Kamarajar Salai,
Chepauk, Chennai-600 005.
- 9.The Chief Engineer,
Chennai Region,
PWD Estate, Kamarajar Salai,
Chepauk, Chennai-600 005.
- 10.The Assistant Engineer,
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Irrigation Division, Office of the Assistant Engineer,
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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY,J.

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