



WEB COPY



W.P. No.29583 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE P.B. BALAJI
and
THE HONOURABLE MR. JUSTICE G. ARUL MURUGAN

W.P. No. 29583 of 2024

AND

W.M.P. Nos. 32237 & 32239 of 2024

1. S.Selvi
2. V.Saravanan
3. R.Nagarajan @ Nagaraj
4. P.Sarala

Petitioners

v

- 1 The Government of Tamil Nadu
by its Secretary
Public Works Department (PWD)
Water Resources Organization
Fort St. George, Chennai 600 009
- 2 The Executive Engineer
Public Works Department (PWD)
Water Resources Organization
Thiruvallur 602 001
- 3 The Section Officer
Public Works Department (PWD)
Water Resources Organization
Red Hills Irrigation Section
Red Hills, Chennai 600 052



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4 The Tahsildar
Ambattur Taluk
Ambattur
Chennai 600 053

5. R.Saravanan

Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus forbearing the respondents 1 to 4 herein from evicting the petitioners from their premises which are situated in S.No.331/10A3A of Korattur Village, Ambattur Taluk, Chennai District.

For petitioners Mr. J. Thilagaraj

For RR1 to 4 Mr. A. Selvendran
Special Government Pleader

ORDER

(made by P.B. BALAJI, J.)

W.M.P.No. 32237 of 2024 seeking to permit the petitioners to file a single writ petition stands ordered.

2. This writ petition has been filed seeking a writ of mandamus forbearing the official respondents from evicting the petitioners from their premises in S.No.331/10A3A of Korattur Village, Ambattur Taluk, Chennai.

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Considering the limited relief sought for by the petitioners and also in view of the orders passed by this Court in identical matters and pendency of a contempt petition being Cont. Petn. No.2769 of 2024, we have heard the learned counsel for the parties with their consent for final disposal of this writ petition at the admission stage itself. Further, since no order prejudicial to the interest of the fifth respondent is to be passed in this writ petition, notice to the fifth respondent is dispensed with.

4. It is the specific case of the petitioners that they own lands in S.No.331/10A3A of Korattur Village, Ambattur Taluk and that patta also has been issued to them in respect of the said survey number. The petitioners' allegation is that under the guise of removal of encroachment in S.No.813, the respondents are trying to evict them from their patta land in S.No.331/10A3A.

5. Inviting the attention of this Court to the orders dated 29.09.2023 and 26.04.2024 passed in W.P.Nos. 28633,28637,28640 and 28642 of 2023 and W.P. No.11909 of 2024 respectively, the relevant portions of which are extracted



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below, the learned counsel for the petitioners submitted that in spite of the said orders, the respondents are trying to evict the petitioners from S.No.331/10A3A.

Order dated 29.09.2023 in W.P.Nos.28633, 28637,28640 and 28642 of 2023:

“The petitioners claim that they have patta over the land in S.No.331/10A3A. The petitioners admittedly are not concerned with S.No.813. The Form-3 notice is issued in respect of S.No.813 and not S.No.331/10A3A. Naturally, action is to be taken by the respondent authorities qua S.No.813 and not S.No.331/10A3A. In case there is encroachment in S.No.813, then, the respondent authorities are entitled to proceed further. In case, the petitioners are aggrieved by any measurement or so, they are entitled to assail the same, in accordance with law.”

Order dated 26.04.2024 in W.P.No.11909 of 2024:

“2. Learned State Government Pleader submits that the temporary structures were removed, however, the permanent structures could not be removed because of commotion. After the Model Code of Conduct is lifted, with police protection, the permanent structures would be removed.

3. In view of the said statement, no further orders are required to be passed in this writ petition. The writ petition is disposed of accordingly. There shall be no order as to costs.”

6. *Per contra*, Mr. A. Selvendran, learned Special Government Pleader submitted that survey was conducted in the presence of the petitioners and the survey boundaries were also marked. He further submitted that encroachment pertains to only Korattur lake which is comprised in S.No.813 and no eviction process would be carried out in respect of S.No.331/10A3A.



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7. Recording the aforesaid submission of the learned Special Government Pleader, this writ petition stands closed as no further orders are required to be passed. No costs. Connected W.M.P. No.32239 of 2024 also stands closed.

J.)

(P.B.B., J.)

(G.A.M.,

09.10.2024

Index : Yes/No

Neutral Citation : Yes/No
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P.B. BALAJI, J.

and

G. ARUL MURUGAN, J.

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To

1 The Secretary
Public Works Department (PWD)
Water Resources Organization
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