



WEB COPY



W.P.Nos.32509 & 32513 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

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

W.P. Nos.32509 & 32513 of 2019
and
W.M.P.Nos.32844 & 32849 of 2019

S.Sampoornam ... Petitioner in W.P.No.32509 of 2019

P.Padmavathy ... Petitioner in W.P.No.32513 of 2019

Vs.

1.The Commissioner
Corporation of Erode,
Erode.

2.Assistant Commissioner,
Zone-3, Corporation of Erode,
Erode.

... Respondents in both the W.P's

Common Prayer: Writ Petitions are filed under Article 226 of Constitution of India, for issuance of writ of Certiorari, calling for the records of the 2nd respondent in Na.Ka.No.E2/213/2019 dated 15.11.2019 and quash the same.

For Petitioner : Mr.T.Gowthaman (in both W.P's)
Senior Counsel

For Respondents : Mr.U.Gokulakrishnan
for Mr.M.Rajamathivanan (in both W.P's)
Standing Counsel



W.P.Nos.32509 & 32513 of 2019

COMMON ORDER

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

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The notice issued under Section 186(1) of Erode Corporation Act, dated 15.11.2019 is under challenge in the present writ proceedings.

2. The petitioners were identified as encroachers of water body. To remove the encroachments in water bodies, writ petitions in W.P.Nos.27864 & 27865 of 2017 were instituted and this Court passed an order on 29.11.2018, directing the Authorities to consider the petitions and to provide opportunity to the writ petitioners. Pursuant to the directions, the representations submitted by the writ petitioners were considered and the Authorities during inspection found that the petitioners are the encroachers in the water body. Thus, the impugned notice dated 15.11.2019 has been issued.

3. Mr.T.Gowthaman, learned Senior Counsel for the petitioners would contend that the petitioners are in possession of certain documents to establish that they are Patta holders. However, Mr.M.Rajamathivanan, learned Standing Counsel for the respondents would oppose the contention of the



W.P.Nos.32509 & 32513 of 2019

petitioners by stating the Authorities have verified the Revenue Records and identified the encroachments in water bodies.

4. That being the factum, this Court is not inclined to entertain the writ petitions. However, the petitioners are at liberty to submit their objections along with the documents if any, within a period of 10 days from today i.e. 27.02.2024. On receipt of any such objections, a final decision is directed to be taken by the respondents and thereafter remove the encroachments from water bodies without causing any undue delay. The said exercise is directed to be completed within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, both the Writ Petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[S.M.S,J.] [K.R.S,J.]
27.02.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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W.P.Nos.32509 & 32513 of 2019

To

- 1.The Commissioner
Corporation of Erode,
Erode.
- 2.Assistant Commissioner,
Zone-3, Corporation of Erode,
Erode.

S.M.SUBRAMANIAM,J.



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W.P.Nos.32509 & 32513 of 2019

AND
K.RAJASEKAR,J.

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Order in
W.P. No.32509 & 32513 of 2019

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