



WEB COPY



W.P.No.2710 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 31.01.2025

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.2710 of 2025

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W.M.P.Nos. 3051, 3052 & 3054 of 2025

1.Mr.T.Rajendiran

2.Mrs.Prema

3.Mr.Sivalingam

4.Mrs.Padmalaskhmi

5.Mrs.Josmin

6.Mrs.Mageshwari

7.Mrs.Vasanthi

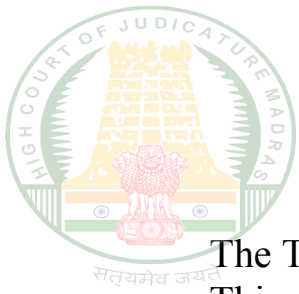
8.Mr.Ravishankar

9.Mr.Dillibabu

10.Mr.Kannan

...Petitioners

Vs.



W.P.No.2710 of 2023

The Tahsildar cum Executive Magistrate
Thiruvottiyur Tahsil,
Chennai 600 019

...Respondent

Prayer: Writ Petition is filed under Article 226 to issue a Writ of Certiorarified Mandamus call for the records of the respondent in Form 7 dated 30.12.2024 in respect of the residential houses of the petitioners in ward c, block 2, TS.no.108/3, old survey no.154, Ernavoor village, Thiruvottiyur taluk, Chennai 600 019 and quash the same and direct the respondent to permit the petitioners to continue to reside in the same premises by classifying the area as residential one, or alternatively direct the respondent to allocate a similar residence in a nearby area to all the petitioners.

For Petitioners : Mr. S.Sridharan

For Respondent : Mr. A.Selvendran
Special Government Pleader.

ORDER

The Writ Petition is filed for the following relief:

“To call for the records of the respondent in Form 7 dated 30.12.2024 in respect of the residential houses of the petitioners in ward c, block 2, TS.no.108/3, old survey



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no.154, Ernavoor village, Thiruvottiyur taluk, Chennai 600 019 and quash the same and direct the respondent to permit the petitioners to continue to reside in the same premises by classifying the area as residential one, or alternatively direct the respondent to allocate a similar residence in a nearby area to all the petitioners”.

2. A perusal of the records would indicate that the objection of the petitioners which has been given on 03.01.2025 has not been considered and straightaway Section 6 notice has been issued.

3. It is no doubt true that the Division Bench of this Court by order dated **14.02.2024 in W.P.No.18877 of 2020**, has directed the District Revenue Officer, Chennai, the 2nd respondent therein, to evict the encroachers from water body. However, such an eviction can take place only after issuing show cause to the encroachers giving them an opportunity for submitting their objections and thereafter, proceed with orders.



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4. In the instant case, the respondent not only failed to comply with the provisions but had also not considered the objections submitted by the petitioners, which is evident from the Section 6 notice which has now been produced before this Court.

5. Therefore, the Writ Petition is allowed. The respondent is directed to consider the objections which have been submitted by the petitioners on 03.01.2025 and pass a speaking orders, within a period of 2 weeks, from the date of receipt of a copy of this order. Consequently, the connected miscellaneous petitions are closed. No costs.

31.01.2025

Index : Yes/No
Internet : Yes/No
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To

The Tahsildar cum Executive Magistrate
Thiruvottiyur Tahsil,
Chennai 600 019



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P.T. ASHA, J,

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