

ITEM NO.11 + 14

Court 8 (Video Conferencing)

SECTION XII

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4990-4991/2021
 (Arising out of impugned final judgment and order dated 08-03-2021
 in CA No. 4/2020 08-03-2021 in CA No. 5/2020 passed by the High
 Court Of Judicature At Madras)

ATULYA MISRA ETC.

Petitioner(s)

VERSUS

KALAISELVI & ORS. ETC.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.43658/2021-EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT)

ITEM NO. 14

SLP(C)5251/2021

(FOR ADMISSION and I.R. and IA No.45827/2021-EXEMPTION FROM FILING
 C/C OF THE IMPUGNED JUDGMENT and IA No.45828/2021-EXEMPTION FROM
 FILING O.T. and IA No.45830/2021-PERMISSION TO FILE LENGTHY LIST OF
 DATES....[TO BE TAKEN UP ALONG WITH ITEM NO. 11 I.E. SLP(C)
 No.4990-4991/2021])

Date : 25-03-2021 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
 HON'BLE MR. JUSTICE R. SUBHASH REDDY

For Petitioner(s)

Slp© 4990-4991/2021

Mr. K.K. Venugopal, AG
 Mr. Siddharth Luthra, Sr. Adv.
 Mr. Balaji Srinivasan, AAG
 Mr. P.S. Raja Gopal, AAG
 Mr. Aravind Pandian, AAG
 Ms. Jaswanthi Anbuselvan, Adv.
 Ms. Garima Jain, Adv.
 Ms. Aakriti Priya, Adv.
 Mr. Ayush Kaushik, Adv.
 Mr. Anjag Gautam, Adv.
 Mr. T. R. B. Sivakumar, AOR

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Mr. Mukul Rohatgi, Sr. Adv.
Mr. R. Jawahar Lal, Adv.
Mr. Siddhartha Bawa, Adv.
Mr. Anuj Garg, Adv.
Mr. Mohit Sharma, Adv.
Mr. Mayank Kshirsagar, AOR
Ms. Pankhuri, Adv.
Mr. Parthasarathy Bose, Adv.
Mohd. Arif, Adv.
Mr. Akhilesh Yadav, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

SLP(C) 4990-4991/2021

Application for exemption from filing C/C of the impugned judgment is allowed.

Learned Attorney General has drawn our attention to the order of the Supreme Court in the earlier proceedings dated 25.01.2019 at page 174-175 to submit that the dismissal of the special leave petition was not to be impediment for the allottee in the present case to work out the remedies in accordance with law by approaching the concerned authorities. It is in pursuance thereto that the allottee Chettinad Cement Corporation Ltd. approached the concerned authority and after obtaining opinion of the Advocate General, lease permission has been granted. The officers who have issued the orders are now being penalized by the contempt proceedings.

We express our concern arising from the allotment of water proramboke as water areas cannot be utilized for any other purpose. In this behalf learned Attorney General has drawn our attention to page 208 which reflects the opinion of the Advocate General of State. A reference has been made to Tamil Nadu Protection of Tanks of Eviction of Encroachment Act, 2007, more specifically Section 12 to submit that alienation of a part of the tank poramboke land is permissible but without interfering with storage and water quality. In this behalf at page 209 is the letter of the Commissioner of Land Acquisition to the effect that adequate arrangements have been make and the same is as follows:

"The Chief Engineer, WRO Trichy Region, has given technical opinion stating that the applicant has formed concrete random rubble masonry canal for the free flow of water in the canal to reach Sengulam Eri and also to merge with other major canals. Further, the Chief engineer, WRO has stated that with respect to existing small canals within the premises, the applicant has erected culverts and water low had not been disturbed. Finally, the Chief engineer, WRO has given NOC for leasing of the proposed lands".

Issue notice returnable within three weeks.

In the meantime, the contempt proceedings are stayed.

We, however, make it clear to the Attorney General that there should be no interference, construction or encroachment in any manner on the

waterbodies.

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Applications for exemption from filing C/C of the impugned judgment, exemption from filing O.T. and permission to file lengthy list of dates are allowed.

Learned senior counsel for the petitioner after some arguments seeks time to file a site plan of the area showing the waterbodies and where the railway siding is to go from. We have made it clear that the waterbodies (Vari Kuttai and Odai) are not to be interfered in any manner.

The additional affidavit be filed within two weeks.

List after three weeks.

(CHARANJEET KAUR)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)

- Cause title of the parties be updated before the next date of listing.