



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2013

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Writ Petition (MD) No.20685 to 20700 of 2013

N.GANESAN	...	Petitioner in W.P(MD)No.20685 of 2013
S.HAJAMOHAIDEEN	...	Petitioner in W.P(MD)No.20686 of 2013
K.AMEENAL BEEVI	...	Petitioner in W.P(MD)No.20687 of 2013
M.VEERAMMAL	...	Petitioner in W.P(MD)No.20688 of 2013
K.SHAJAHAN	...	Petitioner in W.P(MD)No.20689 of 2013
M.BHUVANESWARI	...	Petitioner in W.P(MD)No.20690 of 2013
M.MANICKAVALLI	...	Petitioner in W.P(MD)No.20691 of 2013
N.KAMALAM NARAYANAN	...	Petitioner in W.P(MD)No.20692 of 2013
K.PITCHAIMMAL	...	Petitioner in W.P(MD)No.20693 of 2013
C.PERIASAMY	...	Petitioner in W.P(MD)No.20694 of 2013
S.KARMEGAM	...	Petitioner in W.P(MD)No.20695 of 2013
U.PERALAGI UCHAKANNU	...	Petitioner in W.P(MD)No.20696 of 2013
S.PALANIAMMAL	...	Petitioner in W.P(MD)No.20697 of 2013
P.PILAVENDRAN	...	Petitioner in W.P(MD)No.20698 of 2013
S.NAGARAJAN	...	Petitioner in W.P(MD)No.20699 of 2013
R.MANIMARAN	...	Petitioner in W.P(MD)No.20700 of 2013

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Commissioner,
Paramakudi Municipality,
Paramakudi,Ramanathapuram District.

3.The Junior Engineer,
Public Works Department,
Water Resources Organisation,
Parthibanur Shutter Dam Section,
Paramakudi,
Ramanathapuram District.

... Respondents (IN ALL WPS)

Prayer in W.P(MD)No.20685 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and to quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.01.0 ha situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

**Prayer in W.P(MD)No.20686 of 2013**

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.01.0 ha situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20687 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.01.0 ha situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20688 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.00.5 hec situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20689 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.01.0 ha situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20690 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.00.5 hec situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20691 of 2013

<https://hcservices.ecourts.gov.in/hcservices/>

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents



to grant patta to the petitioner to the land measuring 0.00.5 hec situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20692 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.01.0 ha situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20693 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.00.5 ha situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20694 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.00.5 hec situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20695 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.00.5 ha situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20696 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.00.5 ha situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

**Prayer in W.P(MD)No.20697 of 2013**

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.00.5 hec situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20698 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.01.0 ha situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20699 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.00.5 ha situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

Prayer in W.P(MD)No.20700 of 2013

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Order No.Nil, dated 29.11.2013 passed by the third respondent and quash the same and consequently, to direct the respondents to grant patta to the petitioner to the land measuring 0.00.5 hec situated in Survey No.14, Pandian Street, Paramakudi Town, Ramanathapuram District duly collecting land value.

For Petitioner : Mr.A.Thirumurthy

For 1st Respondent : Mr.A.K.Baskarapandian,
Special Government Pleader.

For 2nd Respondent : Mr.Sethu Janakar

For 3rd Respondent : Mr.N.Manoharan,
Special Government Pleader.

**ORDER**

(Order of the Court was made by **R.SUDHAKAR, J.**)

Heard Mr.A.Thirumurthy, learned counsel appearing for the petitioners, Mr.N.Manoharan, learned Special Government Pleader appearing for the third respondent, Mr.A.K.Baskarapandiyar, learned Special Government Pleader appearing for the first respondent and Mr.Sethu

Janakar, learned counsel appearing for the second respondent. By consent, the writ petitions are taken up for final disposal.

2.The present writ petitions have been filed on the premise that Form III notice issued in terms of Rule 6(1) of Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 is more in the nature of an order calling upon the petitioners to remove the encroachment.

3.We find that it is not in consonance with the decision of this Court reported in **(2010) 3 MLJ 771 (T.S.Senthilkumar Vs.Government of Tamil Nadu, rep by its Secretary, Public Works Department, Chennai-9 and others)**.

4.We are not inclined to set aside the impugned notices, for the above said reason. However, in view of the earlier orders of this Court in the above said decision, it shall be treated as notice in term of Rule 6 (1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 and the writ petitioners shall be entitled to submit their objection/reply within 21 days including the plea for alternative accommodation and thereafter, the authority concerned, shall proceed further and pass appropriate orders in terms of paragraph 20(f) of the order passed in **T.S.Senthilkumar's** case (supra). Till the final orders are being passed, the occupation of the petitioners shall not be disturbed by the authority, if they are still in occupation.

5.The writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The District Collector, Ramanathapuram District,Ramanathapuram.

2.The Commissioner,Paramakudi Municipality,
Paramakudi,Ramanathapuram District.

2.The Junior Engineer, Public Works Department,
Water Resources Organisation, Parthibanur Shutter Dam Section,
Paramakudi,Ramanathapuram District.