



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.20140 of 2015

R.Chellaiah Thevar

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

3.The Tahsildar,
Sathankulam,
Thoothukudi District.

4.S.Muthuammal

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the eviction proceedings of the third respondent, dated 27.10.2015 and quash the same.

For Petitioner	: Mr.R.Balakrishnan
For Respondents 1-3	: Mr.M.Alagadevan, Special Government Pleader.

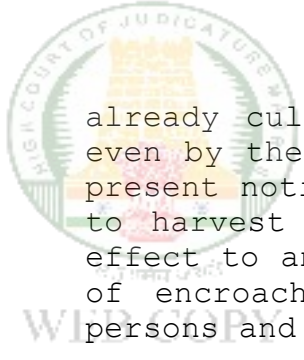
ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN,J.)

The petitioner has come up with the above writ petition challenging a notice of removal of encroachment issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

2.Heard Mr.R.Balakrishnan, learned counsel for the petitioner. Mr.M.Alagadevan, learned Special Government Pleader takes notice for the respondents 1-3.

3.The land in question is actually a river cum odai poramboke. It is a water body. Therefore, the removal of the encroachment is actually in accordance with law. As a matter of fact, the respondents ought to have invoked the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 instead of taking action under the Tamil Nadu Land Encroachment Act, 1905.



already cultivated. The fact that he has cultivated paddy is borne out even by the impugned notice of removal for encroachment. Therefore, the present notice is put on hold until January 2015 to enable the petitioner to harvest the standing crops. Thereafter, the notice shall be given effect to and the encroachment removed. It is made clear that the removal of encroachment shall not be made on a selective basis leaving some persons and proceeding only as against persons like the petitioner.

5.The writ petition is accordingly disposed of. No costs. Consequently, M.P(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

3.The Tahsildar,
Sathankulam,
Thoothukudi District.

+1cc to Mr.R.Balakrishnan, Advocate SR.No.65358

+1cc to The Special Government Pleader, Madurai. SR.No.65751

Writ Petition (MD) No.20140 of 2015

06.11.2015

sms

NS/JGB-DP/24.11.2015 : 2P/6C