



WEB COPY

1

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2015

CORAM :

THE HONOURABLE MR.JUSTICE R.SUDHAKAR

and

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

Writ Petition (MD) No.6212 of 2013

A.Mohideen Kani

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Water Resource Engineer,
The Public Works Department,
Ramanathapuram.

4.The Tahsildar,
Muthukulathur Taluk,
Ramanathapuram.

5.Arulmigu Umalyanayagi Amman Temple,
Rep by its Executive Officer,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 4 to prevent the 5th Respondent from constructing a toilet by encroaching the lands in Survey No. 577/2, Taraikudi Village, Ramanathapuram, classified as a Water body and consequently direct the respondents to restore the Umalyanayagi Amman tank in Survey No. 577/2 Taraikudi Village, Ramanathapuram District to its original state.

For Petitioner
For Respondents 1-4

: Mr.M.Mahaboob Athiff
: Mr.C.Selvaraj,
Special Government Pleader.

**ORDER**

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

WEB COPY

This writ petition has been filed in public interest, seeking a direction to the respondents 1 to 4 to prevent the fifth respondent from constructing a toilet by encroaching the lands in Survey No. 577/2, Taraikudi Village, Ramanathapuram, classified as a water body and consequently direct the respondents to restore the Umaiyanayagi Amman tank in Survey No. 577/2, Taraikudi Village, Ramanathapuram District to its original state.

2. Heard both sides.

3. The grievance of the petitioner appears to be that there are some encroachments on public water bodies and therefore, he made a representation to the respondents to take action and remove the encroachments. Since no final order has been passed, the present writ petition has been filed for the relief as stated supra.

4. At the hearing, the learned Special Government Pleader would submit that action will be taken as per Section 7 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (in short 'the Act'), after issuing notice to all the necessary parties.

5. In view of the above, the competent authority, as specified in sub-section (2) of Section 6 of the Act, is directed to take appropriate action as per Section 7 of the Act, as expeditiously as possible, after affording sufficient opportunity to all the necessary parties in order to avoid allegation of violation of principles of natural justice.

6. With the above direction, this Writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.



2.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.

3.The Water Resource Engineer,
The Public Works Department,
Ramanathapuram.

4.The Tahsildar,
Muthukulathur Taluk,
Ramanathapuram.

+1cc to Mr.Ajmal Associates,Advocate Sr.No.52817

mj

AA/18.09.2015/3p-6c

Writ Petition (MD) No.6212 of 2013
08.09.2015