



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
and
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P (MD) No.16655 of 2016
and
W.M.P.No.12105 of 2016

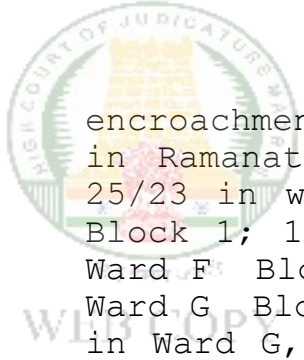
M.Irulan

.. Petitioner

Vs.

1. The District Collector,
Ramanathapuram District
Ramanathapuram.
2. The Sub Collector
Paramakudi,
Ramanathapuram District
3. The Commissioner
Paramakudi Municipality
Paramakudi,
Ramanathapuram District
4. The Executive Engineer,
PWD, WRO
Paramakudi,
Ramanathapuram District
5. The Special Commissioner and
Commissioner of Land Administration
Elilagam, Chepaukkam, Chennai.
6. The Revenue Divisional Officer,
Paramakudi, Ramanathapuram District
7. The Tahsildar,
Paramakudi Taluk
Paramakudi,
Ramanathapuram District

.. Respondents



encroachments on the Ooranis and Kuttais situated at Paramakudi Town in Ramanathapuram District in T.S.Nos. 22/3 in Ward D Block 1; 25/23 in ward D Block 3; 112 in Ward E Block 1; 158 in Ward E Block 1; 165 in Ward E Block 1; 15/15 in ward E Block 5; 74 in Ward F Block 4; 34 in Ward G Block 6; 1 in Ward G Block 17; 1 in Ward G Block 26; 3 in ward G Block 26; 48 in Ward G Block 27; 119 in Ward G, Block 33; 24 in Ward H, Block 18; 107 in Ward H, Block 19; 13/1 in Ward C, Block 3 and 17 in Ward C, Block 4 and restore them with their original capacity in the light of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.B.S.Meltiue
 For Respondents : Mr.M.Govindan
 R1,2,4 to 7 Special Government Pleader

ORDER

(Order of the Court was made by S.NAGAMUTHU, J.)

The petitioner has come up with this public interest litigation seeking a direction to the respondents 1 to 7 to remove the encroachments on the Ooranis and Kuttais situated in Paramakudi Town in various Survey Numbers.

2. When this petition came up for hearing on 06.09.2016, when a query was raised to the learned counsel for the petitioner as to whether, who are all the encroachers and why they are not arrayed as respondents, the learned counsel took time.

3. Today, when the matter was filed, the learned counsel for the petitioner would submit that seeking similar prayer, writ petitions have been filed and the same is pending before the learned Single Judge. If that be so, in our considered view, no relief can be granted in this public interest litigation, because the encroachers are not parties to this writ petition and there is no specific averments in the affidavit as to who are all the encroachers and what is the encroachment made and where. For want of these details, we are unable to grant the relief sought for by the petitioner. Accordingly, the writ petition is dismissed. No costs. Consequently connected Miscellaneous Petition is also dismissed.

Sd/-
 Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Ramanathapuram District
Ramanathapuram.
2. The Sub Collector
Paramakudi,
Ramanathapuram District
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Ramanathapuram District
7. The Tahsildar,
Paramakudi Taluk
Paramakudi,
Ramanathapuram District.

+ 1 CC TO M/S.B.S.MELTUE, ADVOCATE IN SR No. 52905

RR

TE/GSV-PM : 27/09/2016 : 3P/9C

ORDER MADE IN
W.P (MD) No.16655 of 2016
and W.M.P.No.12105 of 2016
16.09.2016