



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2016

CORAM

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

W.P(MD).No.20425 of 2016

and

WMP(MD).No.14604 of 2016

WEB COPY

G. Thankappan

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Superintendent of Police,
Nagercoil, Kanyakumari District.

3. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

4. The Assistant Engineer,
Public Works Department,
Mayiladi, Kanyakumari District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus forbearing the respondents from interfering in the petitioner's land and house situated in S.No.361 to an extent of 1.5 Ares in D.No.3/99 situated at Kottaram Village, Agastheeswaram Taluk, Kanyakumari District without due process of law.

For Petitioner : Mr.T. Selvam

For Respondents : Mr. R. Anandharaj
Government Advocate

ORDER

This Writ Petition has been filed seeking a direction to the respondents from interfering in the petitioner's land and house situated in S.No.361 to an extent of 1.5 Ares in D.No.3/99 situated at Kottaram Village, Agastheeswaram Taluk, Kanyakumari District without due process of law.

2. According to the petitioner, he is in possession and enjoyment of the property in Survey No.361 to an extent of 1.5 Ares in D.No.3/99 situated at Kottaram Village, Agastheeswaram Taluk, Kanyakumari District. Now, the fourth respondent is taking steps to dispossess the petitioner by issuing eviction notice.



3. The learned Government Pleader appearing for the respondents would submit that in respect of the same land, a Division Bench of this Court passed an order dated, 01.09.2015 in W.P(MD).No.13077 of 2013, directing the authorities to take action, as per Section 7 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, as expeditiously as possible after affording sufficient opportunity to all the parties concerned including the alleged encroachers, in the water bodies, in order to avoid allegation of violation of Principles of Natural Justice. He would further submit that as per the orders passed by the Division Bench a notice under Section 7 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, was issued to the petitioner, but, he refused to receive the same and hence, the notice has been affixed in the petitioner's house.

4. Considering the fact that the petitioner has refused to receive the notice and that the notice has been affixed in the door of the petitioner's house, the petitioner is directed to appear before the fourth respondent on 18.11.2016 and file his objection, and the fourth respondent is directed to consider his objection, and pass orders on merits and in accordance with law. It is also made clear that if the petitioner fails to appear for hearing on 18.11.2016, it is open to the the fourth respondent to proceed further in accordance with law.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Kanyakumari District, Nagercoil.
 2. The Superintendent of Police,
Nagercoil, Kanyakumari District.
 3. The Inspector of Police,
Kanyakumari Police Station, Kanyakumari District.
 4. The Assistant Engineer,
Public Works Department, Mayiladi, Kanyakumari District.
- +1 cc to M/s.T.Selvan, Advocate in SR.No. 66834
+1 cc to The Special Government Pleader in SR.No. 67030
GJM/SS-3/SAR-I/14.11.2016:2P/7C

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