



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU

AND

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

W.P.[MD].No.22809 of 2016

and

W.M.P. (MD)No.16324 of 2016

M.Charlet Mary

:Petitioner

Vs.

1.The Assistant Engineer,
Public Works Department,
Irrigation (Special) Section,
Thuckalay,
Kanyakumari District.

2.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

:Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings of the first respondent dated 02.11.2016 and to quash the same as illegal and in violation of principles of natural justice and further, to direct the first respondent to consider the objections submitted by the petitioner on 12.11.2016 afresh providing an opportunity of hearing after conducting a proper and effective survey in strict adherence to the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

For Petitioner : Mr.R.Rajamohan

For Respondents : Mr.T.R.Janarthanan,
Additional Government Pleader

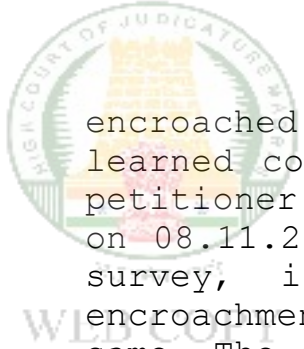
O R D E R

[Order of the Court was made by S.NAGAMUTHU, J.]

The petitioner has come up with this Writ Petition challenging the order issued by the first respondent in Ka.No.656/Ko.3/2016, dated 02.11.2016, directing the petitioner to remove the encroachment made on the land comprised in Survey No.843/12 at Nullivillai B Village, Kalkulam Taluk in Kanyakumari District.

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

2. The learned counsel for the petitioner would submit that the petitioner has got her land in R.S.No.843/15B and she has not



encroached upon the property comprised in Survey No.843/12. The learned counsel for the petitioner would further submit that the petitioner has already made an application for surveying the land on 08.11.2016. The learned counsel further submitted that on such survey, if it is found that the petitioner has made any encroachment on Survey No.843/12, she herself would remove the same. The same is recorded.

3. In view of the above, the Writ Petition is disposed of with a direction to the respondents to survey the land concerned and on such survey, if it is found that the petitioner has encroached upon any portion in Survey No.843/12, then the petitioner shall remove the said encroachment and if she fails to do the same, without any further notice, the respondents would be at liberty to remove the same. At any rate, action shall be completed in this regard by the respondents, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS)

Madurai Bench of Madras High Court,
Madurai-23.

To

1.The Assistant Engineer,
Public Works Department,
Irrigation (Special) Section,
Thuckalay,
Kanyakumari District.

2.The Tahsildar,
Kalkulam Taluk,
Kanyakumari District.

+1cc to M/s.R.Rajamohan, Advocate in SR.73400

+1cc to the Special Government Pleader, in SR.73709

W.P.[MD].No.22809 of 2016

Dated: 28.11.2016

sml

PBK/GSV-PM 14/12/2016 ::2P-5C: