



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.2564 of 2011

C.Vijaya

... Petitioner

Vs.

1.The Superintending Engineer,
Public Works Department,
WRO, Periyar Vaigai Basin Division,
Rani Mangammal Palace,
Near Meenakshi Amman Koil,
Madurai 625 001.

2.The Executive Engineer,
Public Works Department,
WRO, Periyar Vaigai Basin Division,
Madurai 625 002.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari calling for the records of the 2nd respondent in Ka.No.146 M/Va Pa/Va-2/Ko-14 (Anumathi) dated 25.03.2010 and quash the same.

For Petitioner	: Mr.S.C.Herold Singh
For Respondents	: Mr.N.S.Karthikeyan, AGP

ORDER

The petitioner has filed this writ petition challenging the order passed by the second respondent cancelling the permission already granted to the petitioner to install a petty shop in the vacant site to an extent of 60 sq ft (10x6 ft) near M.S.Thirumana Mandapam.

2.According to the petitioner, originally, the above said permission was granted to the petitioner on 16.05.2002 however without giving any notice, the present impugned order has been passed and therefore, the present writ petition has been filed.

3.Learned Additional Government Pleader appearing for the respondents submitted that since the above said allotment was made on the banks of Managiri channel, the allotment order already given to the petitioner was cancelled as per the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and therefore, there is nothing wrong in the order passed by the respondents.



4. At this juncture, learned counsel for the petitioner submitted that instead of the above allotted place, the respondents may be directed to give an alternate place to the petitioner which is available on the northern side of the Managiri channel.

5. In the above circumstances, I find no irregularity or infirmity in the order passed by the second respondent. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to approach the respondents seeking alternative site by way of representation. On receipt of such representation, the respondents shall consider the case of the petitioner and pass appropriate orders on merits and in accordance with law. No costs.

Sd/-

Assistant Registrar (CS I)

/True copy/

Sub Assistant Registrar

To

1. The Superintending Engineer,
Public Works Department,
WRO, Periyar Vaigai Basin Division,
Rani Mangammal Palace,
Near Meenakshi Amman Koil,
Madurai 625 001.

2. The Executive Engineer,
Public Works Department,
WRO, Periyar Vaigai Basin Division,
Madurai 625 002.

+1cc to Mr. S.C. Herold Singh, Advocate SR.No.61785

+1cc to special Government Pleader SR.No.62308

sms

sm:KM:07/11/2016:2P/5C

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