



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2017

CORAM:

THE HONOURABLE MR. JUSTICE K.K. SASIDHARAN

AND

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 12356 of 2017

and W.M.P (MD) No. 9502 of 2017

K. Babu

.. Petitioner

Vs.

1. The Junior Engineer,
Public Works Department,
Water Resource Organization,
Water Irrigation No. II,
Srivilliputtur,
Virudhunagar District.

2. The Assistant Engineer (Additional In-charge),
Public Works Department,
Water Resource Organization,
Water Irrigation No. II,
Srivilliputtur,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records of the second respondent in his proceedings in No. Nil (Form III), dated 24.06.2017 and quash the same as illegal, arbitrary without jurisdiction.

For Petitioner : Mr. G. Marimuthu

For Respondents : Mr. T. S. Mohammed Mohideen,
Additional Government Pleader.

ORDER

[Order of the Court was made by **G.R. SWAMINATHAN, J.**]

The petitioner herein questions the order, dated 24.06.2017, issued by the second respondent-the Assistant Engineer, Public Works Department, Srivilliputtur.

2. Admittedly, the land in question is a river bed poromboke. Therefore, the jurisdictional authority to remove encroachment is the Tahsildar. The Tahsildar, must follow the procedure set out in the Tamil Nadu Land Encroachment Act, 1905. In fact, the jurisdictional Tahsildar himself has written a letter, dated 05.02.2016, to the second respondent herein for evicting the encroacher. On the ground of jurisdiction, the



impugned order issued by the second respondent is set aside. The matter is remitted to the file of the jurisdictional Tahsildar to take appropriate action for removal of the encroachment in question.

3. The Writ Petition is allowed as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Junior Engineer,
Public Works Department,
Water Resource Organization,
Water Irrigation No.II,
Srivilliputtur,
Virudhunagar District.

2. The Assistant Engineer (Additional In-charge),
Public Works Department,
Water Resource Organization,
Water Irrigation No.II,
Srivilliputtur,
Virudhunagar District.

3. The Tahsildar,
Srivilliputhur Taluk,
Srivilliputhur.

+1cc to Mr.G.Marimuthu, Advocate, SR.67757

+1cc to M/s.Special Government Pleader, SR.68367

W.P. (MD) No.12356 of 2017
25.07.2017

PS/KM
KK/GT/SAR2/07.08.2017/2P-6C/