



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

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W.P. (MD) Nos.14911 to 14913 of 2011

and

W.M.P. (MD) .Nos.1, 1 and 1 of 2011

S.Kaliammal	..	Petitioner in W.P. (MD) .No.14911 of 2011
S.Valli	..	Petitioner in W.P. (MD) .No.14912 of 2011
S.Nagarathinam	..	Petitioner in W.P. (MD) .No.14913 of 2011

Vs.

1. The Secretary P.W.D.,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Madurai District,
Madurai.
3. The Chief Engineer,
Water Resources Department,
Madurai Region,
Madurai - 625 002.
4. The Revenue Divisional Officer,
Madurai - 625 020.
5. The Tahsildar,
Madurai North Taluk Office,
Madurai.
6. The Assistant Engineer PWD/WRO,
Periyar Main Canal Section,
Sub Division No.I,
Madurai - 625 002.
7. The Executive Officer,
Y.Othakadai Panchayat,
Madurai - 625 107. .. Respondents in all the Writ Petitions

COMMON PRAYER: Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for records relating to the proceedings in Eviction Notice NO.65118/2011/2-604/(மதுரை), நாள் 05.12.2011, on the file of the sixth respondent, quash the same.



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For petitioners : Mr.Rajaprabakar
For M/S.V.Muniasamy
in all Writ Petitions
For Respondents No.R1 to R6 : Mr.M.Govindan
Special Government Pleader
in all Writ Petitions
For R7 : No Appearance
in all Writ Petitions

C O M M O N O R D E R

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

These writ petitions are directed against the order dated 05.12.2011, issued by the sixth respondent herein, calling upon the writ petitioners to vacate the encroached tank area in question.

2.The learned counsel for the writ petitioners would place reliance on the order dated 18.01.2012 made in W.P(MD).No.15291 of 2011 etc., batch. It is seen that the impugned order is in Form 3 notice dated 27.12.2010, but there is nothing on record to show that survey was undertaken after prior notice to the writ petitioners.

3. This Court, therefore, quashes the order dated 05.12.2011 and remit the matter to the file of the sixth respondent. The sixth respondent shall conduct survey afresh. Due notices shall be given to the writ petitioners, before such survey is undertaken. The procedure set out in Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (Tamil Nadu Act 8 of 2007) shall be strictly followed. The sixth respondent shall pass final orders after giving due opportunity to the writ petitioners. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. These writ petitions are allowed as indicated above. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary P.W.D.,
Secy, George,
Chennai - 600 009.



2. The District Collector,
Madurai District,
Madurai.
3. The Chief Engineer,
Water Resources Department,
Madurai Region,
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4. The Revenue Divisional Officer,
Madurai - 625 020.
5. The Tahsildar,
Madurai North Taluk Office,
Madurai.
6. The Assistant Engineer PWD/WRO,
Periyar Main Canal Section,
Sub Division No.I,
Madurai - 625 002.

+1cc to Mr.V.Muniasamy, Advocate Sr.No.75822
+1cc to The Spl.Government Pleader Sr.No.76016

KM/DSS

VB/MR/KKR/SAR4/04/10/2017/3P/9C

ORDER MADE IN
W.P. (MD) Nos.14911 to 14913 of 2011
31.08.2017