



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 12.01.2018

CORAM

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THE HONOURABLE MR.JUSTICE **N.KIRUBAKARAN**
AND
THE HONOURABLE MRS.JUSTICE **R.THARANI**

W.P. (MD) No.316 of 2018

and

W.M.P (MD) No.328 of 2018

P.Senthoorapandi

.. Petitioner

Vs.

1. The District Collector,
Collectorate Building,
Madurai - 625 020.
2. The Revenue Divisional Officer,
Revenue Divisional Office,
Melur.
3. The Assistant Engineer,
W.R.O. Public Works Department,
Periyar Vaigai Basin Sub Division-II,
Madurai - 625 002.
4. The Tahsildar,
Madurai South Taluk,
Madurai 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 in connection with the impugned notice dated 20.12.2017 passed under the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007, by the third respondent and consequently, quash the same.

For Petitioner : Mr.B.Sukumar

For Respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader

**ORDER**

[Order of the Court was delivered by **N.KIRUBAKARAN, J**]

The petitioner is in occupation of a piece of land, which according to the petitioner, is classified as Natham Porampoke. Whereas, a notice has been issued to the petitioner, as if the petitioner has encroached upon the water body. Without giving notice, final order has been passed in violation of the principles of natural justice, the learned counsel appearing for the petitioner would submit.

2.Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

3.A perusal of the impugned order would show that it is not a final order and it is only a notice issued under sub Rule (1) of Rule (6) in III of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

4.Notice is required to be given under Section 7(1) of the Act for passing the eviction order. Therefore, it is appropriate to treat the present impugned notice as notice issued under Section 7 (1) of the Act and the petitioner is directed to give reply to the impugned notice within two weeks from the date of receipt of a copy of this order. On receipt of the reply, the respondents are directed to conduct enquiry giving opportunity to the petitioner and pass final orders within a period of eight weeks thereafter. Till the final order is passed and it is served upon the petitioner, the petitioner's possession should not be disturbed.

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

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
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2. The Revenue Divisional Officer,
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Melur.



3. The Assistant Engineer,
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4. The Tahsildar,
Madurai South Taluk,
Madurai District.

+ 1 cc TO Mr.B.Sukumar , Advocate in SR No. 42083

skn

AE/JC/SAR4/29.01.2018/3P/6C

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and
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