



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.(MD) No.3454 of 2018

and

W.M.P.(MD) Nos.3601 and 3602 of 2018

R.Nirmala

... Petitioner

-vs-

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

3.The Assistant Engineer,
PWD & WRO
Periyar Primary Channel Division,
Tallakulam,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, forbearing the 3rd respondent from demolishing the Marriage Hall constructed in R.S.No.1/4A, Ilanthaikulam Village, Madurai North Taluk and Madurai District without following the mandatory requirements as contemplated under Sections 4 and 7 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

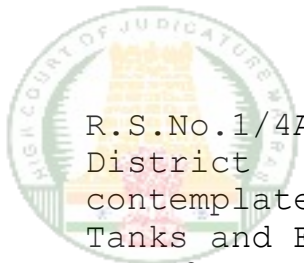
For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.V.R.Shanmuganathan, Spl.G.P.

O R D E R

(Order of the Court was made by T.S.SIVAGNANAM, J.)

The petitioner seeks for direction upon the third respondent to forbear him from demolishing the Marriage Hall constructed in



R.S.No.1/4A, Ilanthaikulam Village, Madurai North Taluk and Madurai District without following the mandatory requirements as contemplated under Sections 4 and 7 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

2. Records have been produced by the learned Special Government Pleader to show that one Thiru.S.Deepan Karthick on behalf of the petitioner has given a written undertaking stating that they will remove the construction put up by them encroaching the water channel.

3. The learned counsel for the petitioner would vehemently contend that the encroachment has been removed and now the respondents are attempting to state that there is further encroachment. The petitioner is not an agriculturist or a poor person, who has encroached the tank bed, but he is a person, who has constructed a marriage hall purely for a commercial venture. It is very hard to believe that the petitioner who would not have had the help and assistance of a technical person who did not know the actual extent of the land and its boundaries.

4. Records placed before this Court clearly show that the petitioner was well aware of the fact as to what extent of encroachment they have made in the public land. However, before directing the respondents to take action, the Court grants time to the petitioner upto 16.03.2018 to remove the encroachments on their own volition and report to the authorities, failing which, on 17.03.2018, the respondents shall take action and remove the encroachment, if necessary, the respondent shall take the assistance of police.

5. With the above direction, this petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector, Madurai District, Madurai.

2. The Tahsildar, Madurai North Taluk, Madurai.

3. The Assistant Engineer, PWD & WRO

Periyar Primary Channel Division,

Tallakulam, Madurai.

+One cc to The Special Government Pleader, SR.No.53038

+One cc to M/s.R.Balakrishnan, Advocate, SR.No.52706

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RL/6C/2P/SKN/RSK/SAR4/9/3/2018

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