



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 09.01.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.409 of 2018

and

W.M.P. (MD) .Nos.417 and 418 of 2018

K.Pitchaiammal

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep by its Principal Secretary,  
Department of Housing and Urban Development,  
Fort St. George,  
Chennai-09.

2.The Department of Municipal Administration  
and Water Supply,  
Rep by its Principal Secretary,  
Fort St. George,  
Chennai-09.

3.The District Collector,  
Ramanathapuram District,  
Ramanathapuram.

4.The Assistant Engineer,  
Public Works Department,  
Parthibanoor Check Dam Section,  
Paramakudi,  
Ramanathapuram District.

... Respondents

**PRAYER:**Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order dated 22.12.2017 on the file of the Respondent No.4 and quash the same as illegal.

For Petitioner : Mr.S.Louis

For Respondents : Mr.V.R.Shanmuganathan

Spl. Government Pleader

**O R D E R**

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

By consent, the writ petition itself is taken up for final disposal, at the stage of admission.

2.Heard Mr.S.Louis, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader, who takes notice for the respondents.

3.According to the petitioner, she is in occupation of the property measuring an extent of 510 Sq.ft., in Town Survey No.2, Paramakudi Taluk, by putting up a construction for years together and the house property has also been taxed from the year 1987. He further stated that 'B' Memo tax has also been levied from the petitioner. Such being the position, the impugned order has been passed directing the petitioner to vacate the property contending that it is a water body and the house is located in the said water body.

4.As per the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, notice is required to be given under Section 6(1) of the Act, calling upon the encroacher to vacate the property. But, the impugned order is also in consequence with Section 6(1) of the Act. Therefore, the petitioner is required to give reply.

5. Hence, this Court directs the petitioner to give reply within a period of four weeks from today. On receipt of such reply, the respondents shall hear the petitioner and pass appropriate orders on merits and as per law, within a period of 8 weeks thereafter. Till such order is passed and the copy of the order is served upon the petitioner, the petitioner shall not be disturbed.



5. Accordingly, the writ petition is disposed of, with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,  
State of Tamil Nadu,  
Department of Housing and Urban Development,  
Fort St. George,  
Chennai-09.
2. The Principal Secretary,  
Department of Municipal Administration  
and Water Supply,  
Fort St. George,  
Chennai-09.
3. The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
4. The Assistant Engineer,  
Public Works Department,  
Parthibanoor Check Dam Section,  
Paramakudi,  
Ramanathapuram District.

+1cc to M/S.S. LOUIS, Advocate SR.No.41130.  
+1cc to Special Government Pleader in SR.No.41480.

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and  
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