



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2018

CORAM:

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

W.P. (MD) No.6565 of 2018  
and  
W.M.P. (MD) No.6354 and 6355 of 2018

M.Dhanalakshmi

... Petitioner

-VS-

1. The District Collector,  
Ramanathapuram District,  
Ramanathapuram.
2. The Tahsildar,  
Paramakudi Taluk,  
Paramakudi,  
Ramanathapuram District.
3. The Assistant Engineer,  
Public Works Department,  
Parthibanoor Check Dam Section,  
Paramakudi,  
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records pertaining to the impugned communication in Ka.No.15/2018/Oo.Po/Pa.Ma.A.Parama/ dated 14.02.2018, signed on 14.03.2018 on the file of the respondent No.3 and quash the same as illegal.

For Petitioner : Mr.S.Louis

For Respondents : Mr.D.Muruganandam, A.G.P.

**O R D E R**

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

Heard Mr.S.Louis, learned counsel for the petitioner and Mr.D.Muruganandam,, learned Additional Government Pleader, who accepts notice on behalf of the respondents.



2.The petitioner has filed this writ petition challenging the order issued by the third respondent dated 14.02.2018, directing the petitioner to vacate from the land in question, which has been classified as water poramboke. If the land is classified as water body, there is no vested right for any person to be in possession. In terms of the decision of the Hon'ble Full Bench, the respondents are duty bound to maintain the water bodies and other related lands as such. However, the petitioner is before this Court on a technical ground stating that earlier, the petitioner was granted permission to file objections to the notice dated 22.12.2017 and the time for giving objections will expire only on 28.03.2018 and without even considering the said factor, mechanically, the third respondent has issued the impugned order dated 14.02.2018 signed on 14.03.2018. We find that the time granted by the Court in the earlier writ petition filed by the petitioner in W.P.(MD) No.303 of 2018 dated 15.02.2018 has not expired. Therefore, the third respondent should have waited till the expiry of the time limit prescribed for submitting objection.

3.Therefore, we are of the view that the petitioner should be granted one more opportunity. However, for such reason, we do not propose to set aside the impugned order, but, would direct the petitioner to treat the impugned order as a show cause notice and submit a comprehensive objection both for the order dated 22.12.2017 and 14.02.2018 on or before 13.04.2018. On receipt of the objection, the third respondent is directed to consider the same and pass orders on merits and in accordance with law on or before 20.04.2018. Till then, status quo with regard to the possession of the land in question shall be maintained.

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

Sd/-

Assistant Registrar(CO)

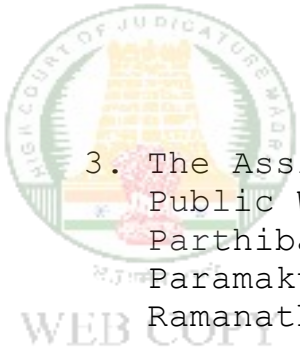
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Sub Assistant Registrar

To

1. The District Collector,  
Ramanathapuram District,  
Ramanathapuram.

2. The Tahsildar,  
Paramakudi,  
Ramanathapuram District.



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

+ 1 cc TO M/S.S.Louis , Advocate in SR No. 58057

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AE/KK/SAR3/09.04.2018/3P/5C

W.P. (MD) No.6565 of 2018

and

W.M.P. (MD) No.6354 and 6355 of 2018

27.03.2018