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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2018

CORAM

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

W.P.(MD)No.855 of 2018

and

W.M.P(MD)No.905 of 2018

Lakshmikanthan

.. Petitioner

Vs.

1.The Assistant Engineer, PWD, WRO,
Parthibanur Regulation Section,
Public Works Department Building,
Madurai Mandabam Road,
Paramakudi,
Ramanathapuram District.

2.The Commissioner of Land Administration,
Chepauk,
Chennai.

3.The District Collector,
Collectorate,
Ramanathapuram District.

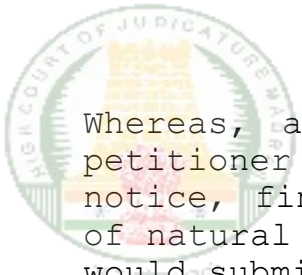
4.The Sub Collector,
Paramakudi,
Ramanathapuram District.

..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 relating to the impugned order in No.52, dated 22.12.2017 on the file of the first respondent and quash the same.

For Petitioner : Mr.K.Rajeshwaran

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



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.

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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(C.O)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Assistant Engineer, PWD, WRO,
Parthibanur Regulation Section,
Public Works Department Building,
Madurai Mandabam Road, Paramakudi,
Ramanathapuram District.
 - 2.The Commissioner of Land Administration, Chepauk, Chennai.
 - 3.The District Collector, Collectorate,
Ramanathapuram District.
 - 4.The Sub Collector, Paramakudi, Ramanathapuram District.
- +One cc to The Special Government Pleader, SR.No.42576
+One cc to Mr.K.Rajeshwaran, Advocate, SR.No.42385

skn

RL/7C/2P/KK/SAR1/2/2/2018

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and

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