



WEB COPY

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.859 of 2018

and

W.M.P(MD)No.909 of 2018

Hathija Banu

.. Petitioner

Vs.

1.State of Tamil Nadu
rep. by its Secretary,
Public Works Department,
Fort St. George,
Chennai.

2.Assistant Engineer,
Public Works Department
Parthibanoor Basin Region,
Paramakudi,
Ramanathapuram District.

3.The District Collector,
Ramanathapuram,
Ramanathapuram District.

4.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram 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 pertaining to the Impugned order dated 22.12.2017 in No.21 passed by the respondent No.2 and quash the same as illegal and consequently direct the respondent No.1 and 3 to consider grant of patta to the petitioner within the time stipulated by this Court.

For Petitioner : Mr.D.Venkatesan
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(RTI)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Secretary, Public Works Department,
Fort St. George, Chennai.
 - 2.Assistant Engineer, Public Works Department
Parthibanoor Basin Region,
Paramakudi, Ramanathapuram District.
 - 3.The District Collector,
Ramanathapuram, Ramanathapuram District.
 - 4.The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.
- +One cc to Mr.R.Venkatesan, Advocate, SR.No.42572
+One cc to The Special Government Pleader, SR.No.42579

skn

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

W.P. (MD) No.859 of 2018