



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.10.2018**

CORAM:

THE HONOURABLE MR. JUSTICE **T.RAJA**
and
THE HONOURABLE MRS. JUSTICE **T.KRISHNAVALLI**

W.P. (MD) No.21690 of 2018
and
W.M.P. (MD) No.19605 of 2018

S.Balaiah Konar ... Petitioner
Vs.

The Assistant Engineer,
Public Works Department /
Water Resources Department,
Manimuthar Channel Section,
Moolakaraipatti,
Tuticorin District. ... Respondent

PRAYER: The writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent in his proceedings Nil dated 16.10.2018 and quash the same as illegal, arbitrary, without jurisdiction and in violation of principles of natural justice.

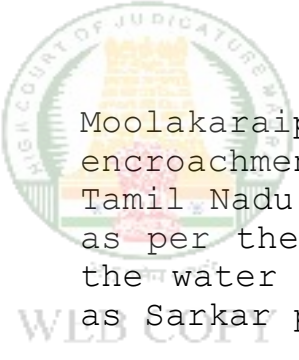
For Petitioner : Mr.B.Saravanan
For Respondent : Mr.V.R.Shanmuganathan,
Special Government Pleader

ORDER

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

This Writ Petition has been filed seeking issuance of a Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent in his proceedings No. Nil dated 16.10.2018 and quash the same as illegal, arbitrary, without jurisdiction and in violation of principles of natural justice.

2.When the matter is taken up for hearing, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondent placing on record the proceedings dated 24.10.2018 passed by the Assistant Engineer, Public Works Department/Water Resource Organisation, Manimuthar Canal Section,



Moolakaraipatti, Tuticorin District, submitted that the encroachments have been evicted by following all the Rules of Tamil Nadu Encroachment Act, 1905. He further submitted that even as per the 'A' Register and FMB sketch, the encroachments made in the water body, namely, Iluppaikulam in Survey No.276, is marked as Sarkar poramboke.

3. In our earlier order dated 23.10.2018, we have indicated that the petitioner has met the District Collector, Tuticorin District, on 22.10.2018 and gave a representation requesting to give alternative place for accommodation. The learned Special Government Pleader also made a statement that the request of the petitioner is pending with the District Collector, Tuticorin. Since the representation given by the petitioner requesting the District Collector, Tuticorin, to give alternative accommodation is pending, the same shall be considered within a period of eight weeks from the date of receipt of a copy of this order.

4. With the above observation, this Writ Petition is disposed of. However, the petitioner is directed to give one more representation along with a copy of this order within a week from the date of receipt of a copy of this order. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS-I)

To

The Assistant Engineer,
Public Works Department /
Water Resources Department,
Manimuthar Channel Section,
Moolakaraipatti,
Tuticorin District.

+1cc to MR.B.Saravanan, Advocate, Sr.No.92165.
+1cc to Special Government Pleader, Sr.No.92239.

W.P. (MD) No.21690 of 2018
and
W.M.P. (MD) No.19605 of 2018
25.10.2018

srm