



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Special Original Jurisdiction)

Tuesday, the Twenty Seventh day of November Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.SUBBIAH
and
The Hon`ble Mrs.Justice R.THARANI

WP(MD) Nos.18382 to 18386 of 2018

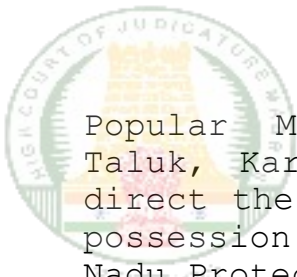
S.VENKATACHALAM	... Writ Petitioner in WP(MD). 18382/ 2018
M.RAMASAMY	... Petitioner in WP(MD). 18383/ 2018
T.RAJENDRAN	... Writ Petitioner in WP(MD). 18384/ 2018
S.VIVEKANANDAN	... Writ Petitioner in WP(MD). 18385/ 2018
S.LAKSHMI	... Writ Petitioner in WP(MD). 18386/ 2018

- Vs. -

- 1 THE DISTRICT COLLECTOR,
COLLECTORATE, KARUR,
KARUR DISTRICT.
- 2 THE TAHSILDAR,
MANMANGALAM TALUK,
KARUR DISTRICT.
- 3 THE ASST ENGINEER,
RIVER CONSERVATION (CAUVERY RIVER),
PUBLIC WORKS DEPARTMENT, KARUR. ... RESPONDENTS

COMMON PRAYER:

Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the 3rd respondent herein in nil proceedings dated 14/02/2018 in Form -III under Rule 5(1) of T.N.Public Premises (Eviction of unauthorised occupants) Rules 1978 in respect of Survey Nos.146/B,150/A,146/B and 146/B respectively



Popular Muthaliyar Channel, Thottakurichi Village, Manmangalam Taluk, Karur District and quash the same as illegal and further direct the respondents herein not to interfere with the petitioners possession without following the procedures contemplated under Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007.

WEB COPY

ORDER : This Writ petition coming on for hearing on this day upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.BINDRAN, Advocate for the petitioner and of Mr.R.Sethuraman, Special Government Pleader for the Respondents the court made the following order:-

[Order of the Court was made by R.SUBBIAH, J]

These writ petitions were listed today under the caption "for reporting compliance".

2. In these writ petitions, this Court, by order dated 24.08.2018, has passed the following order:

"17.In the result, the Writ Petitions are allowed and the impugned order passed by the third respondent, dated 14.02.2018 is set aside. The respondents are directed to display/publish the notice in Form-II indicating the nature and the extent of the encroachment in the notice board of the respondents office within one week from the date of receipt of a copy of this order. Simultaneously, the respondents are also directed to issue notice to the petitioners indicating the nature and to what extent the petitioners are encroaching the land in question. On receipt of such notice, the petitioners are further directed to submit their reply or objection within two weeks. On receipt of objections/reply if any within the said two weeks time, the authorities shall consider the same and pass appropriate orders giving time to the encroachers to remove the encroachment by issuing Form-III. Liberty is also given to the respondents after issuing Form-III to take action under section 7 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, including action for prosecuting encroachers. No costs. Consequently, connected Miscellaneous Petitions are closed."

3. Today, when the matters were taken up, the learned Special Government Pleader appearing for the respondents submitted that pursuant to the direction issued by this Court, the respondents issued Form II Notice and also received a reply on 08.10.2018 from the petitioners. However, since there is no merit in the said reply, the authorities are going to issue Form III notice, within a day or two.



4. In view of the said submissions, there is no need to keep the writ petitions pending. Hence, recording the said submission, these writ petitions are closed.

WEB COPY

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar

TO

1.THE DISTRICT COLLECTOR, COLLECTORATE, KARUR.

2.THE THASILDHAR, MANAMANGALAM TALUK, KARUR.

3.THE ASST ENGINEER,
RIVER CONSERVATION (CAUVERY RIVER),
PUBLIC WORKS DEPARTMENT, KARUR.

+1CC to The Special Government Pleader SR.No. 97358.

ORDER DATED :27/11/2018

ORDER

WP (MD) Nos.18382 to 18386 of 2018

DS RSK 05 03 2019 3P 5C