



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

Writ Petition (MD).No.24063 of 2017

and

W.M.P. (MD)No.20205 of 2017

K.Santhi

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur District,
Karur.

3.The Tahsildar,
Karur Taluk,
Karur District.

4.Firka Surveyor,
Inam Karur Village,
Karur Taluk and District.

5.The Assistant Engineer,
Public Works Department,
Water Resources Department,
Amaravathi basin Section-1,
Karur.

6.Subramani ... Respondents
(6th respondent is impleaded as per the order of this Court,
dated 09.03.2018, vide W.M.P.(MD).No.3750 of 2018 in
W.P.(MD).No.24063 of 2017)

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order issued under Form-III of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 dated 09.12.2017, by the fifth respondent and quash the same.

For Petitioner

: Mr.B.Prasanna Vinoth

For Respondents 1 to 5

: Mr.D.Muruganantham

<https://hcservices.ecourts.gov.in/hcservices/>

Additional Government Pleader

For Respondent No.6

: Mr.K.Balasubramani

ORDER

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

Heard Mr.B.Prasanna Vinoth, learned counsel appearing for the petitioner and Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents.

2.The petitioner has challenged the impugned notice issued in Form-III under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and rules framed therein. The petitioner's contention is that she has not encroached into Rajavaikkal.

3.We find that the impugned notice has been issued in the name of one Kanthasamy, S/o Muthusamy, not to the petitioner. The petitioner is the wife of said Kanthasamy. The main contention advanced by the learned counsel for the petitioner is that the impugned notice is absolutely vague and devoid of any material and the petitioner cannot give an effective reply. Though at the first instance, we found the said submission to be correct, on going through the facts of the case and on a perusal of the records produced by the learned Additional Government Pleader, we find that the impugned notice does not suffer from any illegality or irregularity. Before the impugned notice was issued, the officials under the control of third respondent have conducted survey and the report of such survey was forwarded by the Tahsildar and thereafter, the fifth respondent has issued notice. Hence the impugned notice cannot be quashed. Hence, the learned Additional Government Pleader has produced before this Court a copy of the communication sent by the District Revenue Officer to the fourth respondent dated 04.01.2018 and the proceedings of the Tahsildar dated 07.12.2017, addressed to the fifth respondent along with the details of encroachment as well as a sketch. One set of these documents be furnished to the learned counsel for the petitioner.

4.Therefore, based on these material, which has been handed over to the counsel for the petitioner today, in Court, the petitioner should submit reply to the impugned notice and the respondents shall consider the same by affording an opportunity of personal hearing to the petitioner/Kandasamy. The respondents shall proceed further in accordance with law. The petitioner is granted seven days time from the date of receipt of copy of this order to submit his objection.

5.With the above direction, the writ petition stands disposed of. No Costs. Consequently, W.M.P.(MD)No.20205 of 2017 is also closed.

Sd/-

Assistant Registrar(CSII)

/True Copy/



To

- 1.The District Collector,
Karur District,
Karur.
- 2.The District Revenue Officer,
Karur District,
Karur.
- 3.The Tahsildar,
Karur Taluk,
Karur District.
- 4.Firka Surveyor,
Inam Karur Village,
Karur Taluk and District.
- 5.The Assistant Engineer,
Public Works Department,
Water Resources Department,
Amaravathi basin Section-1,
Karur.

+One cc to M/s.K.Balasubramani, Advocate, SR.no.54390

mrn

RL/7C/3P/KK/SAR1/27/3/2018

Writ Petition (MD).No.24063 of 2017

09.03.2018