



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2019

CORAM:

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

AND

THE HON'BLE Mrs. JUSTICE R.THARANI

W.P. (MD) No.5100 of 2019

and

W.M.P. (MD) No.4061 of 2019

Sokkalingam

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Engineer,
Public Works Department / Water Resource Organization,
Parthipanoor Reservoir Section,
Paramakudi,
Ramanathapuram.

2.Tahsildar,
O/o the Tahsildr,
Illayankudi Main Road,
Paramakudi,
Ramanathapuram District.

3.The District Surveyor,
O/o the District Surveyor,
Ramanathapuram District.

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order dated 12.02.2019 passed by the 2nd respondent under Section 6(1) of the Protection of Tanks and Eviction of Encroachment Rules, 2007 in respect of the property of house in Survey No.512/23 in Kattu Paramakudi, Paramakudi Taluk, Ramanathapuram District and quash the same as illegal.

For Petitioner

: Mr.S.M.A.Jinnah

For Respondents

: Mr.Aayiram K.Selvakumar, AGP

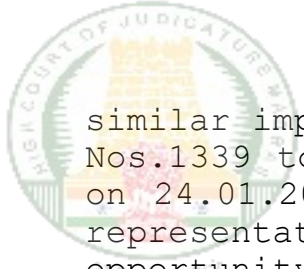
ORDER

(Order of the Court was made by K.KALYANASUNDARAM,J.)

Heard Mr.S.M.A.Jinnah, learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents and perused the notices and records available on record.

<https://hcservices.mca.gov.in/services>

2.The learned counsel for the petitioner would state that



similar impugned notice was challenged by the petitioner in W.P.(MD) Nos.1339 to 1354 of 2019. All the Writ petitions were disposed of on 24.01.2019, directing the authorities concerned to consider the representation of the petitioner and pass orders after affording an opportunity of personal hearing. But without considering the representation of the petitioner dated 15.01.2019 and without passing final orders, the present impugned notice has been given.

3.The learned Additional Government Pleader on instructions from the officials, who are present before this Court, would state that subsequent to the present impugned notice, a notice dated 08.03.2019 was issued to the petitioner, asking him to appear for enquiry between 11.03.2019 to 13.03.2019. He would further state that the third respondent has agreed to conduct a survey and after passing final orders as per the direction in W.P.(MD)Nos.1339 to 1354 of 2019, the respondents would take further action to remove the encroacher.

4.Recording the submission of the learned Additional Government Pleader, this Writ petition is closed. Till then the respondents shall not precipitate the matter. No costs. Consequently, connected W.M.P.is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

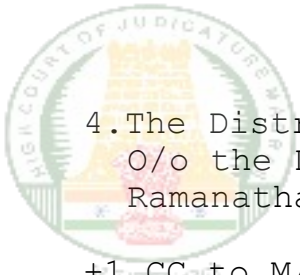
nbj

To

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Engineer,
Public Works Department / Water Resource Organization,
Parthipanoor Reservoir Section,
Paramakudi,
Ramanathapuram.

3.The Tahsildar,
O/o the Tahsildr,
Illayankudi Main Road,
Paramakudi,
Ramanathapuram District.



4.The District Surveyor,
O/o the District Surveyor,
Ramanathapuram District.

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-55918[F] dated 22/03/2019)

+1 CC to M/s.SPL GP (SR-55933[F] dated 22/03/2019)

W.P. (MD) No.5100 of 2019

20.03.2019

DS/ /SAR- (03.04.2019) 3P 7C