



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.24643 of 2018
and W.M.P. (MD) No.22355 of 2018

S.Panjali

... Petitioner

Vs.

The Assistant Engineer,
P.W.D/W.R.O.,
Irrigation Section - II,
Periyar Vaigai Basin Sub Division No.1,
Madurai - 2.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondent, his men and agent from in any way evicting the petitioner or demolishing a portion of her building bearing door No.25A/1, Nehruji Street, Bibikulam, Madurai Town, on the guise of the removal of encroachment, without issuing Form II and Form III as under the Tamilnadu Protection of Tanks and Eviction of Encroachment Act, 2007, as held by the Division Bench of our Hon'ble High Court, in T.S.Senthil Kumar case, reported in 2010 (3) MLJ 771.

For Petitioner : Mr.R.Suriyanarayanan

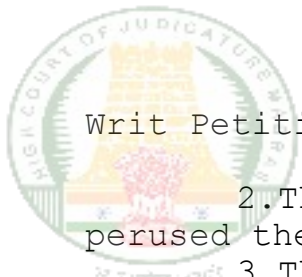
For Respondent : Mr.A.K.Baskarapandian
Special Government Pleader

For Madurai Corporation : Mr.J.S.Murali

O R D E R

(Order of the Court was made by **M.SATHYANARAYANAN, J.**)

The petitioner has purchased the property admeasuring an extent of 778 Square feet, 148 & 149 square feet comprised in S.No.23/3 & 4, of B.B.Kulam through unregistered sale deeds dated 14.10.1981, 14.11.1981 and 07.07.1982 and the petitioner's vendor had already put up a building therein after obtaining building plan approval from Madurai Corporation. The petitioner apprehending that the respondent may evict her from the said property under the guise of alleged water body without issuing Form II and Form III in terms of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and the Rules framed thereunder, came forward to file this



Writ Petition.

2.This Court considered the rival submissions and also perused the materials placed before it.

3.The petitioner in this regard has submitted a representation dated 10.12.2018 to the respondent and the same is yet to be considered.

4.This Court in the facts and circumstances of the case, without going into the merits of the claim made by the petitioner either in this writ petition or in the representation dated 10.12.2018, directs the petitioner to submit a detailed representation with supporting documents of genuineness and authenticity to the sole respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the same on merits and in accordance with law and if required, give the petitioner an opportunity of personal hearing and thereafter, pass appropriate orders within a period of six weeks thereafter and communicate the decision taken to the petitioner and till such time the possession and enjoyment of the petitioner in respect of the land and the superstructure in question shall not be disturbed. It is made clear that till a decision is taken by the respondent on the representation to be submitted by the petitioner, she shall not create any third party right in respect of the land in question as well as the superstructure put up therein and cooperate with the respondent for expeditious conclusion of the enquiry.

5.This Writ Petition is disposed of accordingly. Consequently, connected Writ Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

Sj

To

1.The Assistant Engineer,
P.W.D/W.R.O.,
Irrigation Section - II,
Periyar Vaigai Basin Sub Division No.1,
Madurai - 2.



2.The Commissioner,
Madurai Corporation, Madurai.

+1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-81304[F] dated
13/08/2019)

+1 CC to M/s.SPL GP (SR-81807[F] dated 14/08/2019)

W.P (MD) No.24643 of 2018
09.08.2019

KK/SAR/29.08.2019/3P-5C/