



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.22476 of 2019

and W.M.P. (MD) Nos.19258 and 19259 of 2019

K.Ramasamy

... Petitioner

-vs-

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The Thasildhar,
Alangudi Taluk,
Pudukottai District.
- 3.The Assistant Executive Engineer,
(Irrigation Section),
Public Works Department,
Vellaru Basin Sub-Division,
Pudukottai.
- 4.The Assistant Engineer,
Irrigation Section,
Water Resource Organisation,
Alangudi,
Pudukottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order dated 23.10.2018 passed by the 4th Respondent and to quash the same and direct the 2nd Respondent to issue patta in respect of the land in Survey No.24/1 of an extent of 0.55.0 and in Survey No.75/6 of an extent of 0.12.0 in Senthankudi Village, Alangudi Taluk, Pudukottai District.

For Petitioner : Mr.M.Karthikeya
Venkitachalapathy

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader



O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.M.Karthikeya Venkitachalapathy, learned counsel appearing for the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents.

2.By consent on either side, this Writ Petition itself is taken up for final disposal.

3.The petitioner seeks to set aside the order passed by the fourth respondent dated 23.10.2018 under the provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

4.The petitioner claims that he and his forefathers are in possession of the property for several decades and it is not a water channel and erroneously the impugned notice has been issued.

5.The learned Special Government Pleader appearing for the respondents would submit that in a public interest litigation a direction has been issued to remove the encroachments made in the water bodies and channels. In the said Writ Petition some of the alleged encroachers were impleaded as parties and some of them were not impleaded. Further Form - III Notice has already been issued.

6.The learned counsel appearing for the petitioner would submit that without affording any opportunity the action is sought to be initiated.

7.Considering the facts and circumstances of the case, we direct the petitioner to submit his objection to the impugned notice and Form-III and on receipt of the objections the fourth respondent shall consider the same and pass orders on merits and in accordance with law and if there is any encroachment found, the same shall be removed in accordance with law.

6.The Writ Petition stands disposed of with the above direction. Consequently, connected Miscellaneous Petitions are also closed. No costs.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

sj



To

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The Thasildhar,
Alangudi Taluk,
Pudukottai District.
- 3.The Assistant Executive Engineer,
(Irrigation Section),
Public Works Department,
Vellaru Basin Sub-Division,
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- 4.The Assistant Engineer,
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+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 94264

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23.10.2019

DB (CO)
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