



WEB COPY

W.P.(MD).Nos.11618 to 11623 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) .Nos.11618 to 11623 of 2021

and

W.M.P.[MD]Nos.9119 to 9135 of 2021

W.P (MD) No.11618 of 2021:-

1. Rajendran S/o.Rajappan, No.466, Idaiyankaadu, Venkarai,
Orathanadu Taluk, Thanjavur District

... Petitioner(s) in WP(MD). 11618/ 2021

1. Ramamoorthy S/o.Palanisamy, No.537, Idaiyankaadu, Venkarai,
Orathanadu Taluk, Thanjavur District

... Petitioner(s) in WP(MD). 11619/ 2021

1. Durairaj S/o.Thangavelu, 499, Idaiyankaadu, Venkarai, Orathanadu
Taluk, Thanjavur Dist

... Petitioner(s) in WP(MD). 11620/ 2021

1. Paramasivam S/o.Ramasamy, No.517, Kallar St,Idaiyankaadu,
Venkarai, Orathanadu Taluk, Thanjavur Dist

... Petitioner(s) in WP(MD). 11621/ 2021

1. Karuppaiyan S/o.Thangavelu, No.498, Kallar St, Idaiyankaadu,
Venkarai, Orathanadu Taluk, Thanjavur Dist

... Petitioner(s) in WP(MD). 11622/ 2021

1. Kalyanasundaram S/o. Vellaisamy, No.518, Kallar Street,
Idaiyankaadu, Venkarai, Orathanadu Taluk, Thanjavur District.

... Petitioner(s) in WP(MD). 11623/ 2021

Vs.

1.The District Collector, Thanjavur District,Thanjavur.

2.The Tahsildar,Orathanadu Taluk, Thanjavur District.

3.The Assistant Engineer (WD), Water Resources Organization,
Kallanai Kaalvai Division,
Idaiyathi, Orathanadu Taluk,
Thanjavur District.

... Respondents in all Writ Petition



COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, praying for the issue of a writ of Certiorarified Mandamus, to call for the entire records relating to the impugned Form-II Notice dated 17.02.2021 on the file of the third respondent and quash the same as illegal and further directing the respondents not to evict the petitioners from their agricultural field comprised in S.No.147, by destroying the Paddy field situated at Idaiyankadu Village, Orathanadu Taluk, Thanjavur District.

For Petitioner : Mr.R.Maheswaran in all cases
[in all cases]

For Respondents : Mr.A.K.Manikkam
Standing Counsel for Government
[In all writ petitions]

COMMON ORDER

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

With the consent on either side, these Writ Petitions themselves are taken up for final disposal.

2.We have heard Mr.Maheswaran, learned Counsel appearing for the petitioners and Mr.A.K.Manickam, learned Standing Counsel for Government appearing for the respondents.

3.These writ petitions have been filed seeking for writs of Certiorarified Mandamus, to call for the entire records relating to the impugned Form-II Notice dated 17.02.2021, on the file of the third respondent and quash the same as illegal and further to direct the respondents not to evict the petitioners from their agricultural fields comprised in S.No.147, by destroying the Paddy field situated at Idaiyankadu Village, Orathanadu Taluk, Thanjavur District.

4.The petitioners are all admittedly encroachers of a Government land classified as a water body. The petitioners claim that they and their forefathers have been cultivating in the said land for nearly 45 years. In support of such contention, an extract of Adangal has been produced. The order impugned before us is not an order but only a notice in Form - II dated 17.02.2021. Therefore, the petitioners have to file their objections.

5.Mr.A.K.Manickam, learned Standing Counsel for Government submitted that the encroachers have given in writing that they are aware that they are encroachers and the encroachments in the non-cultivated area has been removed on Friday [09.07.2021] and in respect of the other areas, since there are standing crops, the



authorities have not disturbed the crops and they will wait till harvest is over.

6.Since the impugned proceedings is only a show cause notice, we direct the petitioners to give their reply and produce documents to establish their so called right to remain in cultivation. If the same is submitted, the respondents shall consider and proceed in accordance with law. Since the respondents have already removed the encroachments from the non-cultivating area, this order will not inure in their favour and this will accrue only to the area where there are standing crops.

7.With the above observation, these Writ Petitions stand dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The District Collector,
Thanjavur District, Thanjavur.

2.The Tahsildar,
Orathanadu Taluk, Thanjavur District.

3.The Assistant Engineer (PWD),
Water Resources Organization,
Kallanai Kaalvai Division,
Idaiyathi, Orathanadu Taluk, Thanjavur District.

+1 CC to M/s.SPL GP (SR-22275[F] dated 13/07/2021)

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-22474[F] dated 14/07/2021)

W.P. (MD) .Nos.11618 to 11623 of 2021
12.07.2021

Rk(4.08.2021) 3P 6C

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