



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

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W.P(MD)Nos.18274, 18300, 18303, 18371 & 18378 of 2021

and

W.M.P(MD)Nos.15107, 15109, 15135, 15136, 15137, 15138, 15179, 15180, 15182 & 15183 of 2021

|                 |                                        |
|-----------------|----------------------------------------|
| Sundaram        | ... Petitioner in W.P(MD)No.18274/2021 |
| Saroja          | ... Petitioner in W.P(MD)No.18300/2021 |
| Velsamy         | ... Petitioner in W.P(MD)No.18303/2021 |
| Rajeshwari      | ... Petitioner in W.P(MD)No.18371/2021 |
| Shanthi Subbiah | ... Petitioner in W.P(MD)No.18378/2021 |

Vs.

1.The Junior Engineer,  
Public Works Department,  
Water Resource Organisation,  
South Channel Division,  
Tamiraparani Irrigation system,  
Thenthirupperai - 628 623,  
Thoothukudi District.

2.The Tahsildar,  
Tiruchendur Taluk Office,  
Tiruchendur - 628 215.

3.The Executive Officer,  
Tiruchendur Special Grade Town Panchayat,  
Tiruchendur - 628 215. ... Respondents in all W.Ps

**Common Prayer:** Writ Petitions filed under Article 226 of the Constitution of India, to issue Writs of Certiorarified Mandamus, calling for the records of the first respondent with respect to the impugned order of the first respondent in Form III dated 16.09.2021 under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and the impugned order of the third respondent in Notice in Na.Ka.No.09 of 2021 dated 02.08.2021 and quash the same as illegal and consequently forbearing the respondents 1, 2 and 3 or its men or agents from entering the petitioners' schedule property in Survey No.243A/1A and 595; Survey No.297; Survey Nos.243A and 595; Survey No.297 and Survey Nos.243A/1A and 595 situated in Keela Tiruchendur Village, Tiruchendur Taluk, Thoothukudi District.



For Petitioner  
(in all W.Ps)

: Mr.Shankar Shanmugan  
for Mr.B.Ramkumar Adityan

For RR 1 & 2  
(in all W.Ps)

: Mr.P.Thilak Kumar  
Government Pleader

For R - 3  
(in all W.Ps)

: Mr.B.Saravanan  
Government Advocate

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**COMMON ORDER**

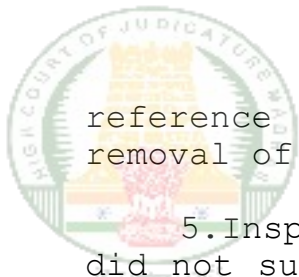
(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioners have filed the above Writ Petitions to issue Writs of Certiorarified Mandamus, calling for the records of the first respondent with respect to the orders in Form III dated 16.09.2021 under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and the impugned orders of the third respondent in notice dated 02.08.2021 and to quash the same and consequently, forbearing the respondents 1 to 3 from entering the petitioners' schedule property in Survey No.243A/1A and 595; Survey No.297; Survey Nos.243A and 595; Survey No.297 and Survey Nos.243A/1A and 595 situated in Keela Tiruchendur Village, Tiruchendur Taluk, Thoothukudi District.

2.The first respondent found that the petitioners are in possession of the lands in water body and therefore, they are not entitled to remain in possession of the same.

3.When the first respondent issued notices in Form III on the earlier occasion, the same were challenged by the petitioners in W.P (MD)Nos.8836 of 2021 etc., batch. The Division Bench of this Court by order dated 30.04.2021 disposed of the Writ Petitions, directing the petitioners to treat the impugned notices as show cause notices and submit their objections along with the supportive documents not later than 24.05.2021. The Division Bench of this Court further directed the first respondent to conduct enquiry and pass reasoned orders on merits and in accordance with law, not later than 14.06.2021. Until then, the petitioners' possession were protected by this Court.

4.Subsequently, at the instance of the petitioners, the Division Bench of this Court, by order dated 14.07.2021, extended the time for submission of the objections from 24.05.2021 to 09.09.2021. While granting extension, the Division Bench of this Court made it clear that no further extension of time will be granted and if the petitioners do not submit their objections along with the supportive documents before the date fixed ie, on 09.09.2021, the benefit of the order will not inure the petitioners and the petitions will stand automatically dismissed without further



reference to this Court and the respondents shall take action for removal of the encroachments.

5. In spite of the orders passed on 14.07.2021, the petitioners did not submit their objections and the supportive documents before the first respondent. Left with no other alternative, the first respondent passed the orders dated 16.09.2021 under Form III for the eviction of the petitioners from the water body.

6. When this Court had granted more than sufficient time to the petitioners to give their objections and submit their supportive documents, they chose not to avail the indulgence shown to them till today. When the petitioners have encroached the water body, they cannot be allowed to remain in possession of the said land forever. The first respondent has followed the procedure contemplated under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and there is no error or irregularity in the orders passed by the first respondent.

7. In such view of the matter, the Writ Petitions filed by the encroachers are liable to be rejected. Accordingly, the Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ps

**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 Junior Engineer,  
Public Works Department,  
Water Resource Organisation,  
South Channel Division,  
Tamiraparani Irrigation system,  
Thenthirupperai - 628 623,  
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2.The Tahsildar,  
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Tiruchendur - 628 215.

3.The Executive Officer,  
Tiruchendur Special Grade Town Panchayat,  
Tiruchendur - 628 215.

+1 CC to M/s.SPL.GP (SR-31746, 31747, 31750, 31751 & 31752[F]  
dated 08/10/2021)

**W.P(MD)Nos.18274, 18300, 18303,  
18371 & 18378 of 2021  
07.10.2021**

GC(18.10.2021) 4P 5C