



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MRS. JUSTICE S.ANANTHI**

**W.P. (MD)Nos.22124 & 17224 of 2019
and
W.M.P. (MD)Nos.18928, 18929, 13729 & 13730 of 2019**

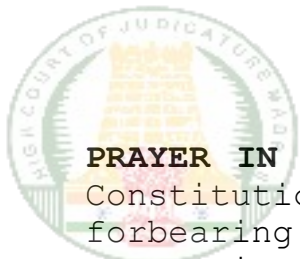
C.Pothu Mani

: Petitioner in both WPs

Vs.

1. The District Collector,
Dindigul District,
Dindigul - 624 004.
2. The Tahsildar,
Ottanchatram Taluk,
Ottanchatram,
Dindigul District.
3. The Executive Engineer,
WRO - Nanganchiyar River Basin Division,
Public Works Department,
Palani,
Dindigul District.
4. Viluthugal Neelamalaikottai Sangam,
Rep. by its Secretary,
S.F.No.409/2A, Neelamalaikottai Village & Post,
Dindigul West Taluk,
Dindigul District - 624 619. : Respondents 1 to 4 in both WPs
5. The Assistant Engineer,
PWD - WRO - Parappalaru Dam Unit,
Public Works Department,
Ottanchatram,
Dindigul District. : 5th respondent in WP.(MD)22124/19

PRAYER in WP.(MD)22124/19: Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari calling for the records relating to the impugned notice no.nil dated 23.09.2019 issued by the fifth respondent and quash the same.



PRAYER IN WP. (MD) 17221/19: Petition filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus forbearing the respondents from interfering with the peaceful possession and enjoyment of the petitioner's land of 53 cents Well, Water, Vari, Vaikkal, Kinathumedu, 5 HP Electric Motor and Pump set bearing Service Connection No.84 fitted in the Square well and pathway for survey No.390/2 in Thangachiammapatty Village, Ottanchatram Taluk, Dindigul District, without due process of law.

For Petitioner : Mr.A.Thirumurthy
In both WPs

For Respondents :Mr.K.P.Krishnadoss,
Special Government Pleader
for R.1 to R.3 & R.5
In W.P. (MD) 22124/19
Mr.N.Shanmugaselvam,
Additional Government Pleader
for R.1 to R.3
In W.P. (MD) 17224/19
Mr.H.Lakshmi Shankar for R.4

COMMON ORDER

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

The writ petition in W.P.(MD)No.22124 of 2019 is filed challenging the impugned notice dated 23.09.2019 of the fifth respondent, by which, the petitioner was asked to vacate the alleged encroachment. The writ petition in W.P.(MD)No.17224 of 2019 is also filed by the very same petitioner seeking a Mandamus to forbear the respondents from interfering with her peaceful possession.

2. On a perusal of the impugned notice dated 23.09.2019, it appears that the petitioner has not been heard before passing such notice and therefore, we are inclined to treat the same as a show cause notice. Accordingly, the petitioner is given two weeks time from the date of receipt of a copy of this order to make her reply / representation, along with supporting documents, if any, to the fifth respondent in W.P.(MD)No.22124 of 2019. On receipt of the same, the said respondent shall consider and pass appropriate orders, on merits and in accordance with law, after affording due opportunity to the parties concerned, within a further period of eight weeks thereafter. Till such time, *status-quo*, as on date, shall be maintained. While passing final order, the fact that the entire remaining extent has been renovated and maintained as a water body will have to be kept in mind by the aforesaid respondent.



3. With the above directions, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

gk

To

1. The District Collector,
Dindigul District,
Dindigul - 624 004.
2. The Tahsildar,
Ottanchatram Taluk,
Ottanchatram,
Dindigul District.
3. The Executive Engineer,
WRO - Nanganchiyar River Basin Division,
Public Works Department,
Palani, Dindigul District.
4. The Assistant Engineer,
PWD - WRO - Parappalaru Dam Unit,
Public Works Department,
Ottanchatram,
Dindigul District.

+2 CC to Mr.A.THIRUMURTHY, Advocate (SR-12801[F] dated 22/03/2021)

+1 CC to SPL GP (SR-12944,12951[F] dated 23/03/2021)

+1cc to Mr.H.Lakshmi Shankar ,Advocate Sr.No.12909

Order made in
W.P. (MD)Nos.22124 & 17224 of 2019
Dated: 22.03.2021

VB (07.04.2021) 3P 9C

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