



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2022

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.8717 of 2020

and

W.M.P.Nos.10574 and 10605 of 2020

1.S.Elumalai

2.N.Kannan

...Petitioners

vs.

1. The District Collector,
Kallakurichi District,
Kallakurichi.

2. The Tahsildhar,
Tirukovilure Taluk,
Kallakurichi District.

3. The Assistant Executive Engineer,
Public Works Department,
Kallakurichi.

4. The Block Development Officer,
Tirukovilure Block,
Kallakurichi District.

5. The Village Administrative Officer,
Senkanankollai Village,
Ariyur Post, Thirukovilure Taluk,
Kallakurichi District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents herein from taking possession of the land in S.No.244 of Senganankollai Village, Thirukovilure Taluk, Kallakurichi District, from the petitioners unless by following due process of law.

For Petitioners : Mr.S.V.Karthikeyan

For Respondents : Mr.P.Baladhandayutham
Special Government Pleader



ORDER

The petitioners have filed this writ petition to issue a Writ of Mandamus, forbearing the respondents herein from taking possession of the land in S.No.244 of Senganankollai Village, Thirukovilure Taluk, Kallakurichi District, from the petitioners unless by following due process of law. While pending the writ petition, the 2nd petitioner died.

2. On perusal of the counter affidavit dated 10.12.2021 filed by the 3rd respondent, revealed that the Tahsildar, Thirukoilur submitted report in Form-I about the details of encroachment made in the subject land and the Form-II will be exhibited in the Notice Board of the Office of the Village Administrative Officer, on what date Senganankollai Village and thereafter, Form-III notice will be issued by post or not to each and every encroachers to evict the encroachments within 21 days from the date of receipt of the said notice. Further revealed that on receipt of the notice, on what date in Form-III, the encroachments have to be evicted since the lake is being maintained by the Water Resources Department, who and if the encroachments who are not evicted, for the purpose of free flow of water during rainy season would be disturbed. Further revealed that the petitioners, who are encroachers of the lake will be evicted only after following due process of law.

3. Recorded the said submission, the writ petition is closed. It is made clear that if the respondents initiate any action to evict the petitioners, the respondents are directed to issue notice to the legal heirs of the deceased 2nd petitioner and proceed further in accordance with law. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dm

To

1. The District Collector,
Kallakurichi District,
Kallakurichi.



2. The Tahsildhar,
Tirukovilure Taluk,
Kallakurichi District.

3. The Assistant Executive Engineer,
Public Works Department,
Kallakurichi.

4. The Block Development Officer,
Tirukovilure Block,
Kallakurichi District.

5. The Village Administrative Officer,
Senkanankollai Village,
Ariyur Post,
Thirukovilure Taluk,
Kallakurichi District.

+4cc to Mr.S.V.Karthikeyan, Advocate, S.R.No.2218

+1cc to the Government Pleader, S.R.No.3087

W.P.No.8717 of 2020

MT (CO)
RGA (09/02/2022)