



WEB COPY



W.P.No.34274 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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- 1 M.Lalitha
- 2 R.Bhagyalakshmi
- 3 K.Kannappan
- 4 R.Valliammal
- 5 R.Ranganathan
- 6 V.Gowri
- 7 M.Vanitha
- 8 R.Thulasisingam
- 9 V.Rukmani
- 10 V.Seenuvasan
- 11 G.Pandurangan
- 12 K.Elumalai
- 13 M.Rajangam
- 14 R.Selvaraj
- 15 S.Jayasudha
- 16 K.Prabu
- 17 D.Manimegalai
- 18 N.Mary Thangam
- 19 R.Kesavan
- 20 L.Elizabeth



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- 21 S.Rukmani
- 22 I.Malarvizhi
- 23 S.Jagan
- 24 N.Kaliyaperumal
- 25 A.Selvaraj
- 26 K.Krishnaveni
- 27 N.Vijayalakshmi
- 28 P.Amutha
- 29 G.Ayyappan
- 30 V.Ayyanar
- 31 M.Lakshmi
- 32 R.Sundharamoorthy
- 33 R.Poongavanam
- 34 A.Radha
- 35 R.Thayarammal
- 36 P.Gnanaprakasam
- 37 P.Kamala
- 38 S.Kumari
- 39 K.Vinayagam
- 40 K.Arumugam
- 41 K.Natarasan
- 42 R.Natarasan
- 43 V.Ganesan
- 44 R.Ramamoorthy
- 45 R.Vijaya
- 46 R.Mangalakshmi
- 47 M.Bakkiyam
- 48 S.Maheswari
- 49 P.Babu
- 50 D.Meerabai
- 51 N.Sathiya

.. Petitioners

v



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1 The Secretary to Government
Revenue Department
Secretariat, Fort St.George
Chennai 600 009

2 The District Collector
Villupuram District
Villupuram 605 602

3 The Tahsildar
Villupuram Taluk V
Villupuram 605 602

4 The Executive Engineer
Public Works Department (WRO)
Villupuram

5 The Assistant Engineer
Public Works Department (WRO)
Villupuram

.. Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents from acting upon the eviction notices dated 28.04.2022 issued by the 5th respondent and evicting the petitioners from the land under their respective domicile, comprised in Survey No.299 / 4 & 5 of V.Marudhur Village, Villupuram until the 1st respondent passes orders on the application dated 13.08.2022 made by the petitioners through their association by name "Villupuram K.K. Road Rajiv Gandhi Nagar Residents Welfare Association" seeking alienation to them for fair price the respective lands under their domicile.

For Petitioners :: Mr.S.Rajendiran



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For Respondents :: Mr.P.Muthukumar
State Government Pleader
for R1 to R5

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

W.M.P.No.33718 of 2022 seeking permission to file a single writ petition stands allowed, as the Court fee has been paid in full.

2. The petitioners have come to this Court seeking the following prayer:-

"To issue a writ of mandamus, forbearing the respondents from acting upon the eviction notices dated 28.04.2022 issued by the 5th respondent and evicting the petitioners from the land under their respective domicile, comprised in Survey No.299 / 4 & 5 of V.Marudhur Village, Villupuram until the 1st respondent passes orders on the application dated 13.08.2022 made by the petitioners through their association by name "Villupuram K.K. Road Rajiv Gandhi Nagar Residents Welfare



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Association" seeking alienation to them for fair price the respective lands under their domicile."

3. But we are not inclined to entertain the writ petition, for the following reasons. Firstly, a perusal of the impugned notices dated 28.04.2022 issued in Form-III under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 by the fifth respondent would clearly show that the petitioners have encroached the water body. Therefore, action has been rightly taken for removal of the encroachments from the water body, which cannot be found fault with. Secondly, the writ petition has been filed after eight months from the date of issuance of the Form-III notices. Therefore, the writ petition stands dismissed. Consequently, W.M.P.No.33719 of 2022 is also dismissed. There shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.) (D.B.C.,J.)

Index : yes/no

22.12.2022

SS



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To

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THE HON'BLE ACTING CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY,J.

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