



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2022

CORAM :

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA  
and  
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P(MD)Nos.1479 to 1482 of 2022

and

WMP(MD)Nos.1315 and 1317 to 1319 of 2022

|              |                                 |
|--------------|---------------------------------|
| Anbazhagan   | ... Petitioner in W.P.1479/2022 |
| Kuttiyappu   | ... Petitioner in W.P.1480/2022 |
| Durai        | ... Petitioner in W.P.1481/2022 |
| Vairamoorthy | ... Petitioner in W.P.1482/2022 |

vs.

The Assistant Engineer,  
Public Works Department (WRO),  
Irrigation Division,  
Alangudi,  
Pudukkottai District.

... Respondent in all WPs

Petitions filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the order of the respondent in respect of FORM III (Sec Sub- Rule (1) Rule 6) dated 22.12.2021 of Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 relating to the petitioner's lands and quash the same as arbitrary and illegal.

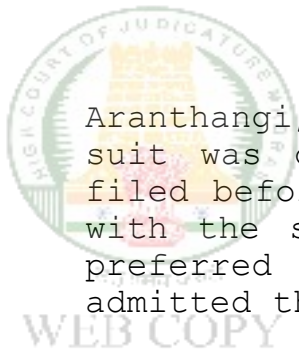
|                            |                       |
|----------------------------|-----------------------|
| For Petitioner(in all WPs) | : Mr.K.Baalasundharam |
| For Respondent             | : Mr.P.Thilakkumar    |
|                            | Government Pleader    |

**COMMON ORDER**

(Order of the Court was made by  
**PUSHPA SATHYANARAYANA, J.)**

These Writ Petitions are filed challenging FORM III Notices dated 22.12.2021 issued under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007, with respect to the petitioners' lands and quash the same.

2. Admittedly, the petitioners have ventured to file a civil  
<https://hcservices.ecourt.gov.in/hcservices> Nos.168 of 2006 before the learned District Munsif,



Aranthangi, for declaration and permanent injunction, but the said suit was dismissed on 06.09.2011 and appeal in A.S.No.8 of 2004 filed before the learned Additional Sub Judge, Pudukkottai, also met with the same fate. It is stated that a second appeal is being preferred against the same which is in the SR stage. It is also admitted that the Periyathal Oorani is in Survey No.132.

3. Though the learned counsel tried to persuade us that the survey numbers mentioned in the impugned notices are not water body, he is unable to produce any document to support his contention. Already, this Court has heavily come down upon the encroachers who are occupying the water bodies and the Government also has initiated eviction drive of those encroachers on the water bodies as per the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007. The petitioners having failed in their attempt to obtain a decree of injunction before the Civil Court, are now trying to challenge the notice of eviction.

4. The learned Government Pleader appearing for the respondent states that the petitioners are in occupation of the water body called, Periyathal Oorani and they have to be evicted with immediate effect.

5. It is stated that despite granting three weeks time, the petitioners have not yet removed their encroachments and vacated the premises. With the consent of both sides, two weeks time is granted for removing the encroachments and vacating the premises.

6. With the above direction, the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

bala  
To  
The Assistant Engineer,  
Public Works Department (WRO),  
Irrigation Division,  
Alangudi, Pudukkottai District.

+1 CC to M/s.SPL.GP ( SR-3108[F] dated 31/01/2022 )

COMMON ORDER MADE IN  
W.P(MD)Nos.1479 to 1482 of 2022  
DATED : 28.01.2022