



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) No. 9416 of 2022

and

W.M.P. (MD) Nos. 6750 and 6751 of 2022

Kumaraiah

.. Petitioner

Vs.

The Assistant Engineer,
Water Resource Department,
Irrigation Section No.II,
Madurai - 625 002.

.. Respondent

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records relating to four impugned notices issued by the respondent No. Nil under Form No.II, dated 27.04.2022 in terms of Sub-rule of (3) of Rule 5 of the Tamil Nadu Protection of Tanks and Eviction Encroachment Rules, 2007 and quash the same.

For Petitioner	: Mr.P.Deepak
For Respondents	: Mr.K.S.Selvaganesan
	Additional Government Pleader

O R D E R

[Order of the Court was made by **T.RAJA,J.**]

The petitioner has come to this Court to challenge the impugned Form-II notice, dated 27.04.2022, calling upon the petitioner to remove the encroachment.

2. The grievances of the petitioner is that he was not issued with any prior notice and all of a sudden, the impugned notice, calling upon the petitioner to remove the encroachment, has been issued, failing which, the respondent will initiate eviction under Section 7 of the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007.

3. Considering the fact that the petitioner was not issued with any prior notice, the impugned notice shall be treated as a notice, two weeks time is granted to the petitioner to give an explanation and after considering the explanation, suitable action can be taken.



4. In view of the above, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Sd/-

Vacation Officer/
Assistant Registrar (Records)

/ /2022
Sub Assistant Registrar(CS)

am / vji

To

The Assistant Engineer,
Water Resource Department,
Irrigation Section No.II,
Madurai - 625 002.

+1 CC to M/s.F. DEEPAK, Advocate (SR-23489[F] dated 06/05/2022)

+1 CC to M/s.SPL.GP (SR-23576[F] dated 09/05/2022)

W.P. (MD) No. 9416 of 2022

and

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06.05.2022

ARK(CO)

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