



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD) Nos.9608 to 9610 of 2022

and

W.M.P. (MD) Nos. 6900, 6902 and 6905 of 2022

C.Shanthi .. Petitioner in W.P.(MD) No.9608 of 2022

Raja Sundaravadivelu .. Petitioner in W.P.(MD) No.9609 of 2022

M.Gopal .. Petitioner in W.P.(MD) No.9610 of 2022

Vs.

The Assistant Engineer,
Water Resources Department,
Tenkhal Section,
Tenthiruperai, Tiruhcendur Taluk,
Thoothukudi District. .. Respondent in all W.Ps.,

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent in his proceedings in Form 3 dated 04.05.2022 and quash the same as illegal.

For Petitioners

in all W.Ps., : Ms.Jasimma Yasmin for
M/S.Ajmal Associates

For Respondent

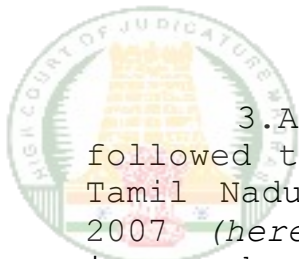
in all W.Ps., : Mr.Veera Kathiravan,
Additional Advocate General
assisted by Mr.N.Muthuvijayan
Special Government Pleader

COMMON ORDER

[Order of the Court was made by **D.KRISHNAKUMAR, J.**]

Mr.B.Veera Kathiravan, learned Additional Advocate General assisted by Mr.N.Muthuvijayan, learned Special Government Pleader takes notice for the respondent. By consent of both parties, the Writ Petitions are taken up for final disposal at the stage of admission itself.

2.These Writ Petitions have been filed challenging the Form-III notice issued by the respondent directing the petitioners to vacate the scheduled property as stated in the writ petitions.



3. According to the petitioners, the respondent has not followed the procedure as contemplated under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (hereinafter referred to as the Act). Therefore, the said impugned notice is liable to be quashed.

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4. Mr. Veera Kathiravan, learned Additional Advocate General, assisted by Mr. N. Muthuvijayan, learned Special Government Pleader appearing on behalf of the respondent submitted that as per the provisions of the aforesaid Act and its Rules, the respondent has to serve Form-II notice. Therefore, the respondent will issue Form-II notice in accordance with law within a time stipulated by this Court.

5. In the light of the above submissions of the parties concerned, we are inclined to interfere with the impugned notice and accordingly, the impugned notice is quashed and this Court issues the following directions:-

- i. The respondent is directed to issue Form-II notice to the writ petitioners within a period of two weeks from the date of receipt of a copy of this order.
- ii. On receipt of such notice, the petitioners are directed to submit their objections/explanations within a period of two weeks thereafter.
- iii. If any such objection is given within the aforesaid period, the respondent is directed to consider the same and proceed further in accordance with the aforesaid Act and its Rules as early as possible preferably within a period of four weeks therefrom.

6. With the above directions, these Writ Petitions stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Vacation Officer/
Assistant Registrar (CS-I)

// True Copy //

/ /2022
Sub Assistant Registrar (CS)

mm/sj



To

The Assistant Engineer,
Water Resources Department,
Tenkhal Section,
Tenthiruperai,
Tiruhcendur Taluk,
Thoothukudi District.

+3 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-23659[F] dated
12/05/2022)

+1 CC to M/s.SPL.GP (SR-23711,23712[F] dated 13/05/2022)

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11.05.2022

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