



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.9681 to 9684 of 2022

and

W.M.P. (MD) Nos. 6949, 6951, 6955, 6950 and 6952 to 6954 of 2022

K.Chelladurai

.. Petitioner in W.P.(MD) No.9681 of 2022

R.Gurusamy

.. Petitioner in W.P.(MD) No.9682 of 2022

T.Kasi

.. Petitioner in W.P.(MD) No.9683 of 2022

N.Parameswaran

.. Petitioner in W.P.(MD) No.9684 of 2022

Vs.

1.Government of Tamil Nadu,
through its Secretary to the Government,
Revenue and Disaster Management,
Secretariat,
Fort St.George,
Chennai-9.

2.The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai -5.

3.The District Collector,
Madurai District, Madurai.

4.The Tahsildar,
Madurai North Taluk,
Madurai.



5.The Assistant Engineer,
Water Resources Department,
Irrigation Section No.II,
Madurai-2.

6.The CSI Madurai Ramnad Diocese,
represented by its Bishop,
162, East Velli Street,
Madurai.

.. Respondents in all W.Ps.,

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the Form II issued by the 5th respondent under Rule 5 (3) of Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007, dated 27.04.2022 and quash the same as illegal.

For Petitioners

in all W.Ps.,

: Mr.T.A.Ebenezer

For Respondents

1 to 5 in all W.Ps.,

: Mr.M.U.Prakash

Additional Government Pleader

For 6th Respondent

in all W.Ps.,

: Ms.Jasimma Yasmin for

M/S.Ajmal Associates

COMMON ORDER

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

Mr.M.U.Prakash, learned Additional Government Pleader takes notice for respondents 1 to 5 and Ms.Jasimma Yasmin, learned counsel takes notice for the 6th 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-II notice issued by the 5th respondent.

3.According to the petitioners, the Assistant Engineer viz., the fifth respondent has served Form-II notice under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 to them. Learned counsel for the petitioners would submit that the petitioners have submitted their objections to the Form-II notice, however, the said objections have not been considered. Therefore,

<https://hcservices.ecourts.gov.in/hcservices/>



the petitioners have approached this Court seeking directions to the official respondents to consider their objections and to pass appropriate orders. The petitioners have also enclosed a copy of the objections in the typed set of documents.

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4. On instructions, learned Additional Government Pleader for the respondents 1 to 5 submits that the objections of the petitioners will be considered and suitable orders will be passed within a time stipulated by this Court.

5. Learned counsel for the 6th respondent would submit that the 6th respondent be given an opportunity of hearing before passing final orders.

6. In view of the above submissions made by the parties concerned, this Court directs the 5th respondent to consider the petitioners' objections, if any made, which is said to be pending for consideration, as expeditiously as possible preferably within a period of two weeks from the date of receipt of a copy of this order. It is needless to state that the 5th respondent shall provide an opportunity of hearing to the petitioner as well the 6th respondent before passing the final orders.

7. With the above directions, the Writ Petitions stand disposed of. 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

1. The Secretary to the Government,
Revenue and Disaster Management,
Secretariat,
Fort St. George,
Chennai-9.

2. The Commissioner of Land Administration,
Ezhilagam,
Chepauk,
Chennai -5.



3.The District Collector,
Madurai District, Madurai.

4.The Tahsildar,
Madurai North Taluk,
Madurai.

5.The Assistant Engineer,
Water Resources Department,
Irrigation Section No.II,
Madurai-2.

+4 CC to M/s.T.A. EBENEZER, Advocate (SR-23666[F], SR-23667,
SR-23668, SR-23669[F]dated 12/05/2022)

+1CC to M/s.Ajmal Associates, Advocate (SR-23660[F] dated
12/05/2022)

+1 CC to M/s.SPL.GP (SR-23691[F] dated 12/05/2022)

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