



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) No.9794 of 2022

and

W.M.P. (MD) Nos. 7012 and 7013 of 2022

- 1.Ramakrishnan
- 2.Parasakthi
- 3.Banu
- 4.Chandra
- 5.Sala
- 6.Perumayee
- 7.Pothiraja

.. Petitioners

Vs.

- 1.The Assistant Engineer,
WRD, PWD, Nilaiyur Section, Nilaiyur,
Periyar Vaigai Basin Sub Division No.II,
Madurai-625002.

- 2.The District Collector,
Collectorate Building, Madurai-625020.

- 3.The Tahsildar,
Madurai South Taluk,
Madurai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Form-III notice issued under the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007 (Sub-Rule (1) of Rule 6), issued by the 1st respondent dated 30.03.2022 and quash the same as illegal and consequently, direct the 2nd and 3rd respondents to issue patta to the petitioner and other petitioners by taking into account the 3rd respondent's proceedings in Na.Ka.No.C3/19148/2009, dated 27.08.2009, within the stipulated time as fixed by this Court.

For Petitioners

: Ms.A.Rajini

For Respondents

: Mr.N.Muthuvijayan

Special Government Pleader

**ORDER**

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

Heard Mr.N.Muthuvijayan, learned Special Government Pleader, who takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

2.This Writ Petition has been filed challenging the Form-III notice issued by the 1st respondent, directing the petitioners to vacate the scheduled property as stated in the Writ Petition and seeking issuance of patta to the petitioners by taking into account the 3rd respondent's proceedings in Na.Ka.No.C3/19148/2009, dated 27.08.2009.

3.According to the petitioners, the 1st 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.

4.Mr.N.Muthuvijayan, learned Special Government Pleader appearing on behalf of the respondents submitted that as per the provisions of the aforesaid Act and its Rules, the 1st respondent has to serve Form-II notice. Therefore, the 1st 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 1st 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 three weeks thereafter.
- iii.If any such objection is given within the aforesaid period, the 1st 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, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

WEB COPY

Sd/-

Vacation Officer/
Assistant Registrar

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PS / Myr

To

1. The Assistant Engineer,
WRD, PWD, Nilaiyur Section,
Nilaiyur,
Periyar Vaigai Basin Sub Division No.II,
Madurai-625002.

2. The District Collector,
Collectorate Building, Madurai-625020.

3. The Tahsildar,
Madurai South Taluk,
Madurai District.

+1 CC to M/s.SPL.GP (SR-23713[F] dated 13/05/2022)

W.P. (MD) No.9794 of 2022
11.05.2022

srr(CO)

TR(25.05.2022) 3P 5C