



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.9811 of 2022

and

W.M.P. (MD) No. 7031 of 2022

R.Muruganantham @ Anand

.. Petitioner

Vs.

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

.. Respondent

PRAYER: Writ Petition 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 Petitioner : Mr.A.Nawazkhan
for M/S.Ajmal Associates
For Respondent : 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 respondent. 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 respondent, directing the petitioner to vacate the scheduled property as stated in the Writ Petition.

3.According to the petitioner, 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.



4.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 serve Form-II notice to the writ petitioner within a period of two weeks from the date of receipt of a copy of this order.
- ii.On receipt of such notice, the petitioner is directed to submit his 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, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PS /Myr

To

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

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-23661[F] dated 12/05/2022)

+1 CC to M/s.SPL.GP (SR-23709[F] dated 13/05/2022)

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