



W.P(MD)Nos.21150 to 21157, 20721 & 20722 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P(MD)Nos.21150 to 21157, 20721 & 20722 of 2022
and**

**W.M.P(MD)Nos.15024, 15025, 15026, 15359, 15361, 15362, 15363,
15366, 15368, 15369, 15372, 15374, 15376 & 15378 of 2022**

W.P(MD)No.21150 of 2022:-

P.Muthumani

... Petitioner

vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 3.The Thasildar,
Thisaiyanvilai Taluk,
Tirunelveli District.
- 4.The Block Development Officer,
Thisaiyanvilai Taluk,
Tirunelveli District.



W.P(MD)Nos.21150 to 21157, 20721 & 20722 of 2022

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5.The Assistant Engineer,
Public Works Department,
Irrigation Section,
Valliyoar,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the fifth respondent dated 19.07.2022 in his notice No.25/2022/A.E(V)/-17 and to quash the same as illegal.

For Petitioner : Mr.A.Arumugam

For Respondents : Mr.P.Thilak Kumar
Government Pleader

COMMON ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Challenging the impugned orders, dated 19.07.2022 passed by the fifth respondent under the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007, the petitioners have filed the present Writ Petitions.



W.P(MD)Nos.21150 to 21157, 20721 & 20722 of 2022

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2.The learned counsel appearing for the petitioners submitted that without jurisdiction, the fifth respondent has passed the impugned orders, dated 19.07.2022 contrary to the directions issued by this Court in W.P(MD)No.14298 of 2020, dated 22.07.2021.

3.Heard the learned counsel on either side.

4.The operative portion of the order, dated 22.07.2021 passed in W.P(MD)No.14298 of 2020, reads as follows:-

“6.Therefore all that we can do is to direct the Tahsildar, Thisayanvilai, to consider the petitioner’s representation and take note of the facts mentioned therein and arrange for an inspection to be conducted and thereafter make a survey and then proceed with the same, in accordance with law. The Tahsildar shall ensure that no fresh encroachments are made and if any encroachments is of the recent origin, action should be initiated against them in accordance with law.”



W.P(MD)Nos.21150 to 21157, 20721 & 20722 of 2022

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5. In view of the non-compliance of such directions, the impugned orders passed by an incompetent authority, shall not stand in the eye of law. Accordingly, the impugned orders, dated 19.07.2022 passed by the fifth respondent are quashed. The Tahsildar, Thisayanvilai Taluk is hereby directed to conduct an inspection and thereafter provide an opportunity to all these petitioners for filing their objections along with documentary evidences and after considering the objections and completing the enquiry, the Tahsildar, Thisaiyanvilai Taluk, shall take necessary action for removal of the encroachment, if any, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6. Accordingly, these Writ Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
23.11.2022



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
W.P(MD)Nos.21150 to 21157, 20721 & 20722 of 2022

DATED : 23.11.2022