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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **09.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR  
AND  
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)NO.21200 OF 2022**

M.Pandi

:Petitioner

.VS.

- 1.The District Collector,  
Ramanathapuram District.
- 2.The Revenue Divisional Officer,  
Paramakudi,  
Madurai-Mandapam Road,  
Ramanathapuram District.
- 3.The Tahsildar,  
Paramakudi Taluk,  
Gandhiji Road,  
Ramanathapuram District.
- 4.The Village Administrative Officer,  
Karunkulam Village,  
Paramakudi Taluk,  
Ramanathapuram District.

5.Moorthy

: Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to forebear the respondents from in any manner to evict the Petitioner from the property in S.No.53, measuring 2 acres situated at K.Karunkulam Village, Paramakudi Taluk,



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Ramanathapuram, in gross violation of the Principles of natural justice and in violation of the provisions of Tamil nadu Protection of Tanks and Eviction of Encroachment Act, 2007, without following the due process of law.

For Petitioner :Mr.A.Ramesh

For Respondents :Mr.V.Nirmalkumar  
1 to 4 Govt.Advocate

### **O R D E R**

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**(Order of the Court was made by D.KRISHNAKUMAR,J)**

The Petitioner has filed the present Writ Petition directing the respondents to forebear the respondents from in any manner to evict the Petitioner from the property in S.No.53, measuring 2 acres situated at K.Karunkulam Village, Paramakudi Taluk, Ramanathapuram, in gross violation of the Principles of natural justice and in violation of the provisions of Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007, without following the due process of law.

2.When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents 1 to 4 produced a communication of the Tahsildar, Paramakudi addressed to the Government Pleader of this Court, dated 3.11.2022,



wherein, it is stated that the aforesaid land has been classified as Government Poramboke "Kulam" and the encroachment made by the Petitioner in the said water body has been removed.

3. The Division Bench of this Court in **L. Krishnan's Case** and the recent decisions of the High Court has held that the encroachments made in the water bodies has strictly to be removed in order to protect the water bodies from encroachments. Further the Petitioner has filed this Writ Petition only in the month of September 2022 after the decisions rendered by the Division Bench of this Court as well as the recent decisions of this Court. Hence this Court is not inclined to accept the contention of the learned counsel for the Petitioner and also the prayer sought for in the Writ Petition.

4. Therefore, recording the submission of the respondents 1 to 4 that the respondents 1 to 4 have removed the encroachment in question, the Writ stands dismissed. The respondents 1 to 4 shall also ensure that any other encroachments in the said water body has also to be removed, following the due process of law. No costs.

**[D.K.K.,J.]                      [R.V.,J.]**  
**09.12.2022**



Index:Yes/No

Internet:Yes/No

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**D.KRISHNAKUMAR, J.**

**AND**

**R.VIJAYAKUMAR, J.**

vsn

**ORDER MADE IN**

**W.P(MD)NO.21200 OF 2022**

**05.12.2022**