



WEB COPY



W.P.No.19190 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

Writ Petition No.19190 of 2018
and
Writ Miscellaneous Petition No.22567 of 2018

P.Sankar

...Petitioner

Versus

1.The Government of Tamil Nadu,
Represented by its Secretary,
Department of Public Works,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Villupuram District,
Villupuram.

3.The Assistant Engineer,
Public Works Department (Water Resources),
Villupuram.

4.The Thasildar,
Villupuram Taluk,
Villupuram District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari, calling for the records in connection with the eviction notice dated 07.02.2018 affixed into the petitioner's house at Survey No.209/3, V.Marudur Village, Villupuram Taluk, Villupuram District on 08.07.2018 by the third respondent and quash the same.

For Petitioner : Mr.K.Sudalai Kannu.

For Respondents : Mr.A.Selvendran,
Special Government Pleader.

ORDER

[Order of the Court was made by R.MAHADEVAN,J]

The prayer made in this Writ Petition is to quash the eviction notice dated 07.02.2018 affixed in the petitioner's house in S.No.209/3 as if he has encroached the water body belonging to the Government in Survey Nos.299/3A, 3B, 4, 5 of V.Marudur Village, Villupuram Taluk, Villupuram District.

2.When this matter was taken up for consideration, the learned Special Government Pleader appearing for the respondents submitted that



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the subject land has been declared as water body and hence, the eviction notice has been issued to the petitioner.

3.However, the aforesaid submission made on the side of the respondent authorities, has been stoutly refuted by the learned counsel for the petitioner. According to the learned counsel, the petitioner has been residing in the land in S.No.209/3, by constructing house for more than 25 years. However, the third respondent has affixed the notice impugned herein in the house of the petitioner on 08.07.2018, treating him as encroacher of the water body. Immediately, the petitioner filed his reply dated 16.07.2018 to the respondents 2 to 4. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondent authorities to consider the petitioner's reply dated 16.07.2018, if not considered earlier and pass appropriate orders, on merits and in accordance



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with law, after affording an opportunity of hearing to all the parties concerned within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

(R.M.D.,J) (M.S.Q.,J)
09.02.2023

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

To

1. The Secretary to Government,
Department of Public Works,
Fort St. George,
Chennai – 600 009.

2. The District Collector,
Villupuram District,
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**R.MAHADEVAN,J
and
MOHAMMED SHAFFIQ,J**

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W.M.P.No.22567 of 2018**

Dated:09.02.2023