



W.P.(MD)Nos.5119 to 5124, 4849 to 4852 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 06.04.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)Nos.5119 to 5124 & 4849 to 4852 of 2023

and

W.M.P(MD)Nos.4801 to 4817,4533 to 4536 of 2023

W.P(MD)No.5119 of 2023:

S.Santhi

... Petitioner

Vs.

- 1.The Principal Secretary to Government,
Revenue and Disaster Management Department,
Ezhilgam, Chennai.
- 2.The District Collector,
Madurai District.
- 3.The Revenue Divisional Officer,
Mellur, Narasingam Patti,
Madurai.
- 4.The Chief Engineer,
Water Resources Department /
Public Works Department,
Thallakulam,
Madurai District.



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5.The Superintending Engineer,
Water Resources Department /
Public Works Department,
Periyar Vaigai Basin Circle,
Madurai District.

6.The Assistant Engineer,
Water Resources Department /
Public Works Department,
Periyar Vaigai Basin Circle,
Kallanthri,
Madurai District.

7.The Tahsildar,
East Taluk,
Narasingam,
Madurai District.

8.The President,
Mathur Village Panchayat,
Kallanthiri,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Form III Eviction notice issued by the sixth respondent dated 22.08.2022 and quash the same as illegal and consequently direct the respondents 3 and 7 to issue free house site patta in the Natham Vacant site in S.No. 51/15 and 51/17 Mathur Village, East Taluk, Madurai District in light of the resolution no. 18 dated 26.01.2023 passed by the 8th respondent and on the basis of the proceedings of the third respondent dated 25.08.2022 within time stipulated by this Court.



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For Petitioner : Mr.A.Feroz Khan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

COMMON ORDER

Heard the learned counsel on either side.

2.The petitioners are in occupation of a water body known as “Mathur Keelakanmoi” comprised in Survey No.48/1 in Mathur Village. The competent authority issued the impugned Form III notice calling upon the petitioners to remove the encroachment and vacate. Challenging the same, these writ petitions have been filed.

3.This Court made it clear that the encroachment of the petitioners cannot be condoned for any reason. However, considering the long occupation of the petitioners, this Court was inclined to grant time to vacate provided the petitioners file affidavits undertaking to vacate within a span of six months. Pursuant to the suggestion given by this Court, the petitioners herein voluntarily and on their own filed affidavits undertaking to vacate the petition



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mentioned premises within six months from today (06.04.2023). The said undertaking is recorded.

4.We make it clear that the petitioners are not entitled to get further extension of time. If any such petition is filed, the Registry shall not entertain the same. If at the end of six months from today the petitioners still fail to vacate, it is open to the authorities to remove the encroachments summarily without reference to this Court or no further notice needs to be issued to the petitioners also.

5.At the same time, the plight of the petitioner cannot be lost sight of. The petitioners are therefore permitted to submit individual representations to the District Collector, Madurai for allotting alternative sites. The District Collector shall conduct an enquiry and if the applicants are found eligible and if alternative sites are available, suitable orders shall be passed within a period of three months after applications are received from the individuals. If there are any other encroachments in the water body, the authorities are directed to remove the same after following due process of law.



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6. These writ petitions are disposed of accordingly. There shall be no

order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]

06.04.2023

NCC : Yes / No

Internet : Yes / No

Index : Yes / No

MGA

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