



*W.P.(MD)No.8131 of 2023*

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

WEB COPY

DATED: 11.04.2023

CORAM

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

W.P(MD)No.8131 of 2023  
and  
W.M.P.(MD)Nos.7514 & 7515 of 2023

Raja

... Petitioner

Vs.

- 1.The District Collector,  
Dindigul District,  
Dindigul.
- 2.The Revenue Divisional Officer,  
Palani Division,  
Dindigul District.
- 3.The Tahsildar,  
Palani Taluk,  
Dindigul District.
- 4.The Assistant Engineer,  
PWD/Water Resources Department,  
Palaru, Porunthalaru Dam Division,  
Palaru Dam,  
Palani,  
Dindigul Division.



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5.Abdul Salam

6.Jahir Hussain

7.Peria Rajkumar

... Respondents

**Prayer:** Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order passed by the third respondent in his proceedings in Na.Ka.No. 8985/2017/C2/dated 25.01.2023 and consequential notice dated 11.02.2023 issued by the fourth respondent and quash the same.

For Petitioner :Mr.T.Selvan

For Respondents :Mr.K.Balasubramani  
Special Government Pleader for R1 to R4

### **ORDER**

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the Department.

2. The petitioner questions the impugned proceedings issued by the jurisdictional Tahsildar as well as the fourth respondent primarily on the ground that the procedures set out in Tamil Nadu Protection of Tanks and Eviction Encroachment Act, 2007 have not been complied with.



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3. We posed a specific question to the learned Special Government Pleader if Form II notice was published. Answer is in the negative. The proceedings impugned in the writ petition is set aside. The matter is remitted to the file of the fourth respondent. The fourth respondent is directed to comply with the direction given by the Hon'ble Division Bench in W.P.(MD)No.26570 of 2022, dated 25.07.2022.. We make it clear that we are not giving clean chit to the petitioner. We are interfering only on a technical ground.

4. The matter is remitted to the file of the fourth respondent. The authority will bear in mind the statutory and constitutional mandate as regards the protection of water bodies and removal of encroachment committed thereon.

5. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

**[G.R.S., J.]      [B.P., J.]**  
**11.04.2023**

NCC : Yes / No  
Internet : Yes / No  
Index : Yes / No  
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**G.R.SWAMINATHAN, J**

and

**B.PUGALENDHI, J.**

rmi

To

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Dindigul.
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Palani,  
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