



W.P(MD)Nos.11587 to 11602 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.11.2023

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) Nos.11587 to 11602 of 2015

MP(MD) Nos.1,1,1,1,1,1,1,1,1,1,1,1,1,1 & 1 of 2015

R.Sangapillai

... Petitioner

Vs

1.The District Collector,
Karur District, Karur.

2.The Junior Engineer,
Public Works Department W.R.D.
Ariyaru Basin Irrigation Section,
Taluk Office Campus,
Kulithalai Taluk,
Karur District.

3.The Tahsildar,
Krishnaryapuram Taluk,
Karur District.

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned Show Cause Notice issued by the 2nd respondent dated 23.06.2015 in his proceedings in Letter No. Ko5/2015/Encroachment Case/ dated 23.06.2015 and consequential impugned Eviction Notice issued by the 2nd respondent dated



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23.06.15 and quash the same.

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For Petitioners
For Respondents

:Mr.N.Anandakumar
:Mr.P.T.Thiraviam
Government Advocate

COMMON ORDER

These writ petitions are filed as against a show cause notice issued by the second respondent/Public Works Department(WRD) followed by an eviction notice dated 23.06.2015 issued under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 (TN Act 8 of 2007), directing the petitioners to vacate from the lands in Balarajapuram Village as they encroached the above lands.

2.The learned counsel appearing for the petitioners submits that the petitioners are pot makers and the subjects lands have been assigned to them by the Tahsildar in the year 1980 and patta also stands in their name. They have put up construction in that land and residing there for a long time.



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3.The learned Government Advocate appearing for the respondents submits that these petitioners are in possession of the the lands in S.No.188/1,309, 311/27/188, 114 and 72A/1, 72-A/7 of Balarajapuram, whereas, they have encroached upon the land in S.No.302 and has put up some sheds. The learned Government Advocate further submits that a show cause notice was issued and enquiry was conducted. Thereafter, this eviction notice has been issued directing the petitioners to vacate from the encroachments.

4.The learned counsel for the petitioners claims that the petitioners have not received any notice before the impugned show cause notice and eviction notice.

5.Considering the rival submissions made and the fact that these petitioners are pot makers, the impugned notice in these writ petitions are hereby set aside. The respondents are directed to conduct an enquiry afresh by providing an opportunity of hearing to the petitioners. If the petitioners are eligible for an assignment and if



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the authorities found that the petitioners are in possession and occupation of the subject lands for a long time and if the subject lands are non-objectionable lands, the respondents shall consider the case of the petitioners sympathetically and pass final orders within a period of six months from the date of receipt of a copy of this common order.

6.With the above directions, these writ petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.11.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

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B.PUGALENDHI, J

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Common Order made in
W.P(MD) Nos.11587 to 11602 of 2015
MP(MD) Nos.1,1,1,1,1,1,1,1,1,1,1,1,1 & 1 of 2015

09.11.2023