



W.P.(MD)No.20889 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.08.2023

CORAM

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

**W.P(MD)No.20889 of 2023
and
W.M.P(MD)Nos.17289 & 17290 of 2023**

P.Rajavel

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Executive Engineer,
(Water Resources Organization),
Kothaiyaru Basin Division,
Nagercoil,
Kanyakumari District.
- 3.The Assistant Executive Engineer,
(Water Resources Organization),
Palaiyaru Basin Division,
Nagercoil,
Kanyakumari District.
- 4.The Sub Collector,
Cheranmahadevi,
Tirunelveli District.



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5.The Assistant Engineer,
(Water Resources Organization),
(Additional Charge),
Irrigation Section,
Boothapandi,
Kanyakumari District.

6.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

... 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 notice Letter No.KO14B/713/2023 dated 04.08.2023 issued by the fifth respondent quash the same.

For Petitioner : Mr.V.Sasi Kumar
For Respondents : Mr.M.Siddharthan
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petitioner has come to this Court at the Form – 2 stage itself. The fifth respondent had issued Form – 2 notice under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.



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3. When we indicated that the petitioner can very well offer his objection, the learned counsel submitted that the petitioner has already submitted the representation on 13.06.2023. It is seen that the said representation has been submitted only to the revenue authorities. It is only the competent authority under the Water Resources Department who can go in to the said issue. We therefore permit the petitioner to lodge his representation before the third respondent. The petitioner has to necessarily submit the said representation within a period of one week from the date of receipt of a copy of this order. Thereupon, the third respondent shall conduct enquiry in accordance with law and pass final order. Till the final order is passed by the third respondent, no coercive action shall be taken.

4. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
28.08.2023

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA



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