



W.P(MD)No.22206 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.09.2023

CORAM

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

**W.P(MD)No.22206 of 2023
and
W.M.P(MD)No.18495 of 2023**

S.Pitchai Mani

... Petitioner

Vs.

- 1.The State represented by
The Secretary to Government,
Revenue Department,
Secretariat,
Chennai – 600 009.
- 2.The District Collector,
Dindigul District,
Dindigul.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul,
Dindigul District.
- 4.The Tahsildar,
Office of the Tahsildar,
Athoor,
Dindigul District.



W.P(MD)No.22206 of 2023

5.The Assistant Executive Engineer,
Department of Water Resources,
Marudhanadhi Basin Sub-Division,
Nilakottai,
Dindigul District.

6.S.Rani

7.I.Sarkarai

8.N.Saravanan

9.V.Rajendran

10.Malaiyandi

11.S.Savadan

12.P.Thiruvellavan

13.V.Velmurugan

14.P.Maruthan

... 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 eviction notice by the fourth respondent dated 14.08.2023, in respect of the land in S.No.52/5 of Ayyampalayam Village to an extent of 0.04.80 Ares and quash the same and consequently directing the respondents 1 to 5 to remove all the encroachments made by the respondents 6 to 14 in Government Poramboke Land (Odai) by name Marudhanadhi Channel in S.Nos.49/1, 49/2C2, 49/4, 50/2, 52/5, 53/3, 54/1, 54/4, 54/5, 148, 150 and 151 of Ayyampalayam Village, Athoor Taluk, Dindigul District.

For Petitioner : Mr.N.S.Karthikeyan

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.5



W.P(MD)No.22206 of 2023

WEB COPY

ORDER

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

2. The petitioner challenges the orders passed under Sections 6 and 7 of the Tamil Nadu Land Encroachment Act. It is seen that Section 7 notice was issued on 02.08.2023. The petitioner was given 15 days time to offer his explanation. But even before the said period could expired, the Tahsildar, Athoor passed the final order under Section 6 of the Tamil Nadu Land Encroachment Act on 14.08.2023. We are more than satisfied that the final order has been passed even before the expiry of the notice period. On this sole ground, the order impugned in this writ petition is set aside. The notice issued under Section 7 of the Act will be kept intact. The petitioner is given a weeks time to offer his explanation. Enquiry shall be held and only thereafter final order shall be passed.

3. At this stage, the learned counsel appearing for the petitioner states that he has been selectively targeted. According to him, the water body runs to the length of 2 kms. The Tahsildar will conduct a full-fledged survey and



W.P(MD)No.22206 of 2023

whatever encroachments have been committed on the water body shall be removed after adhering due process of law. If the trees have come up in the encroached area, the Government shall take them over. The private parties will be divested of any control. In any event, the free flow of water in the water body shall also be ensured.

4. With this liberty to the fourth respondent to proceed from the stage of notice under Section 7 of the Act and with the aforesaid directions, this writ petition is partly allowed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
14.09.2023

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

To

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Dindigul District,
Dindigul.



W.P(MD)No.22206 of 2023

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W.P(MD)No.22206 of 2023

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W.P(MD)No.22206 of 2023

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