



W.P(MD)Nos.24115 to 24120 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.10.2023

CORAM

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

**W.P(MD)Nos.24115 to 24120 of 2023
and
W.M.P(MD)Nos.20280, 20281, 20285,
20289, 20290 & 20293 of 2023**

W.P(MD)No.24115 of 2023:

Selvaraj

... Petitioner

Vs.

- 1.The District Collector,
District Collectorate,
Pudukkottai & District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Officer Office,
Aranthangi & Taluk,
Pudukkottai & District.
- 3.The Tahsildar,
Avudaiyarkovil & Taluk,
Pudukkottai District.



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4.The Assistant Executive Officer,
P.W.D/WRO,
GAC, Nagudi Section,
Avudaiyarkovil & Taluk,
Pudukkottai District.

5.The Assistant Executive Engineer,
Public Works Department (WRD),
CAG, Peravurani Division,
Thanjavur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 4 and 5 and their men not to interfere the petitioner possession and enjoyment in S.F.No. 8 subdivided as 8/8 Pattamudaiyan Village, Vettanur Post, Avudaiyarkovil Taluk, Pudukkottai District till the final adjudication of civil suit in O.S.No. 75 of 2021 on the file of the District Munsif Court, Aranthangi and direct the third respondent to carry out the Survey Number 8/8 in the Village Account in the light of the proceedings of the third respondent in Na.Ka.No. 529/07/B.2 dated 30.06.2007 and issue patta.

For Petitioner : Mr.K.Balasundaram
Senior Counsel
for R.Paranjothi

For Respondents : Mr.K.Balasubramani
Special Government Pleader



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COMMON ORDER

Heard the learned Senior Counsel appearing for the writ petitioners and the learned Special Government Pleader appearing for the respondents.

2. Some of the petitioners herein filed W.P(MD)No.15045 of 2020 etc batch (Chinnaiah Vs The Assistant Engineer) challenging the Form – III notice issued by the authorities. The writ petitions were disposed of on 22.10.2020 in the following terms:

“7.Though the petitioners had prayed for a larger relief, in view of the submissions made by the learned counsel on either side, these writ petitions are disposed of directing the respondent to conduct a fresh survey in accordance with Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 and thereafter, take action in accordance with law, if required. Till then, the respondent shall maintain status-quo.”

3. The case of the writ petitioners is that survey as directed by this Court had not been conducted till date. We are of the view that the protection given therein would definitely enure in favour of the writ petitioners. If the



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said direction is breached, it is always open to the petitioners herein to move this Court by filing Contempt Petition.

4. With this liberty to the petitioners, these writ petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
05.10.2023

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

To

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