



W.P.(MD)No.24849 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.10.2023

CORAM

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

W.P(MD)No.24849 of 2023
and
W.M.P.(MD)No.21055 of 2023

Rajathi Masuthabarakath

... Petitioner

Vs.

- 1.The District Collector,
O/o. District Collector,
Ramanathapuram,
Ramanathapuram District.
- 2.The District Revenue Officer,
O/o.District Revenue,
Ramanathapuram,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Ramanathapuram,
Ramanathapuram District.
- 4.The Tahsildar,
O/o.Tahsildar Office,
Ramanathapuram Taluk,
Ramanathapuram District.



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5. The Commissioner,
Ramanathapuram Municipality Office,
Vandikara Street,
Ramanathapuram,
Ramanathapuram District.
6. The Executive Engineer,
Public Works Department (Water Management)
Vaigai Illangal,
(Nearby Krishna Theater),
Paramakudi,
Ramanathapuram District.
7. The Superintending Engineer,
Public Works Department (Water Management)
District Collector Campus,
Sivagangai,
Sivagangai District.
8. The Assistant Engineer,
Public Works Department (Water Management)
Lethams Bungalow Road,
Government Hospital Road,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to forbear the respondents from removing the encroachment of the eastern side of the small portion of petitioners residential house in survey No. 174 to an extend of 0.0287.0 sq Mt. (7.17 cents) by length of 96 1/4 ft of the eastern side to western side and width 22 3/4 ft of the western to north an side situated at Alangacheri Street, Ramanathapuram Town, Ramanathapuram Taluk, Ramanathapuram District, in the guise of removing encroachment of Alli Kanmai Oorani, situated at Ramanathapuram Town in Ward - C, Block 11, T.S.No. 4/1, G.R.S. No. 341/2A,



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to an extend of 3 hectares 53 Ares, Ramanathapuram, without issuing Form II, III notice of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and without following the procedure contemplated by this Court in case of T.S.Senthilkumar Vs. Government of Tamil Nadu reported in 2010 3 MLJ 771 and consequently, by considering the petitioner's representation dated 22.09.2023 in accordance with law within a time stipulated by this Court.

For Petitioner : Mr.D.Balamuruga Pandi

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R1 to R4, R 6 to R8

: Mr.K.Saravanan for R5

ORDER

Heard both sides.

2. When the matter was taken up for hearing, the learned Special Government Pleader submitted that only survey has been done till date and that before removing any encroachment, due process of law will be followed.

3. Recording the said submission, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
17.10.2023

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