



W.P.(MD)No.27440 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 22.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.27440 of 2023

and

W.M.P.(MD)Nos.23572 & 23575 of 2023

Selvaraj

Vs.

... Petitioner

- 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.
- 5.The Commissioner,
Ramanathapuram Municipality Office,



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Vandikara Street, Ramanathapuram,
Ramanathapuram District.

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6.The Executive Engineer,
Public Works Department (Irrigation),
Vaigai Illangal, (Nearby Krishna Theater),
Paramakudi, Ramanathapuram District.

7.The Assistant Engineer, WRD (I/C),
Irrigation Section-II, Ramanathapuram,
Public Works Department,
Lethams Bungalow Road,
Government Hospital Road,
Ramanathapuram, Ramanathapuram District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notices by the 7th respondent in Form-II dated Nil under Rule 5(3) of the Tamilnadu Protection of Tanks and Eviction of Encroachment Act, 2007 and consequently, impugned notice Form-III dated 31.10.2023 under Rule 6(1) of the Tamilnadu Protection of Tanks and Eviction of Encroachment Act, 2007 to quash the same as illegal and unconstitutional, and consequently, direct the respondents 3 to 7 herein to consider his reply dated 03.11.2023 to the respondents 1 to 7 herein, in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr.D.Balamuruga Pandi

For R1 to R4 : Mr.M.Lingadurai,

R6 & R7 Special Government Pleader

For R5 : Mr.K.Saravanan, Standing Counsel



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ORDER

(Order of the Court was made by ***S.M.SUBRAMANIAM, J.***)

The petitioner challenges the notices issued under Tamilnadu Protection of Tanks and Eviction of Encroachment Act, 2007.

2.The learned Special Government Pleader appearing on behalf of the respondents 1 to 4, 6 and 7 has made a submission that survey had already been conducted and the encroachers are identified and steps are taken to remove the encroachments from the water body.

3.The learned counsel appearing for the petitioner states that there is a title dispute. If so, the petitioner is at liberty to approach the jurisdictional civil Court. As far as the encroachments in water body are concerned, there cannot be any leniency. Thus, the respondents are directed to complete the procedure and evict the encroachers from the water body within a period of two weeks from the date of receipt of a copy of this order.



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4. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) & (V.L.N., J.)

22.11.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To

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O/o. District Collector,
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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 Executive Engineer,
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AND

V.LAKSHMINARAYANAN, J.

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