



W.P.(MD)No.29209 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.12.2023

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

W.P(MD)No.29209 of 2023
and
W.M.P.(MD)No.25264 of 2023

M.Nizar Ahamed

... Petitioner

Vs.

- 1.The Commissioner of Land Administration,
Chepauk, Chennai.
- 2.The District Collector,
Pudukkottai District.
- 3.The Commissioner,
Aranthangi Municipality,
Pudukkottai District.
- 4.The Revenue Divisional Officer,
Aranthangi,
Pudukkottai District.
- 5.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents No. 2 to 5, not to evict the



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petitioner except under due process of law especially without issuing the notice under section 7 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 in respect of the petitioners restaurant namely KOODOO FAMILY RESTAURANT in Door no. 21/2, Sy.No. 18/1, Rethinakottai Village, Aranthangi Taluk and Pudukottai District.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1, R2, R4 & R5

: Mr.S.Kameswaran for R3

ORDER

Heard both sides.

2. The petitioner wants this Court to protect him from being evicted except by due process of law.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that final order had already been passed and that questioning the same, the appeals have been filed before the concerned authority.

4. Be that as it may, considering the petitioner's long possession and enjoyment, we grant three months time from today to vacate the petition mentioned premises. But then, the petitioner has to file an undertaking affidavit before the 5th respondent within a week. If such an undertaking



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affidavit is not filed within a week, the benefit of this order will not enure in favour of the petitioner. We make it clear that if at the end of three months period, the petitioner fails to vacate, the respondents shall enforce the eviction order without issuing any further notice.

5. The writ petition is disposed of accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
12.12.2023

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

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