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W.P.(MD)NO.30472 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.30472 of 2023 AND
W.M.P.(MD)Nos.26222 & 26223 of 2023

P.R.U.Palaniandi Ambalam

... Petitioner

Vs.

The Assistant Engineer(Water Resources Department),
Irrigation Division,
Karayur,
Pudukottai District.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for records relating to the impugned order of eviction made by the respondent in Form III dated 04.12.2023 and quash the same as illegal.

For Petitioner : Mr.M.Mahaboob Athiff

For Respondent : Mr.K.Balasubramani,
Special Government Pleader.

* * *

**ORDER**

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2. The impugned order has been passed under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachments Act, 2007. Admittedly, the alleged encroachment has been committed in respect of river poramboke. In such cases, the provisions of the Tamil Nadu Land Encroachment Act, 1905 will have to be invoked.

3. In this view of the matter, the impugned order is set aside. Liberty is given to the concerned authorities to invoke provisions of the Tamil Nadu Land Encroachment Act against the petitioner. All the contentions of the petitioner are also left open. This writ petition stands allowed on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

21st December 2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P.(MD)NO.30472 OF 2023

To:

The Assistant Engineer(Water Resources Department),
Irrigation Division,
Karayur,
Pudukottai District.



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W.P.(MD)NO.30472 OF 2023

G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

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