



WEB COPY



W.P.No.7053 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.7053 of 2020
and
W.M.P.No.8409 of 2020

Sarojini Muthusamy

... Petitioner

Vs.

1. The Secretary to Government,
Public Works Department / Water Resource Organization,
Secretariat, Chennai-600 009.

2. The District Collector,
Kallakurichi District,
Kallakurichi-606 202.

3. The Chief Engineer,
Public Works Department / Water Resource Organization,
Irrigation, Villupuram 605 602

4. The Assistant Engineer,
Public Works Department / Water Resource Organization,
Irrigation, Kallakurichi-606 206.

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned notice in Rule 6(1) of Tamil Nadu Protection



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of Tanks and Eviction of Encroachment Act, 2007 dated 01.02.2020 issued by the 4th Respondent and quash the same.

For Petitioner : Mr.D.Murugan for
Mr.R.Kumaravel

For Respondents : Mr.A.Selvendran,
Special Government Pleader,
(for R1 to R4);

ORDER

(Order of the Court was delivered by S.M.Subramaniam J.)

The notice issued under Section 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 dated 01.02.2020 is under challenge in the present writ proceedings.

2. No writ against the notice issued under the Encroachment Act is entertainable unless such notice has been issued by an incompetent authority having no jurisdiction or tainted with the allegations of mala fides.

3. Learned counsel for the petitioner states that the Civil Suit was decreed in favour of the petitioner. Such decrees obtained against the Government lands are unenforceable. The petitioner would submit that



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degree of injunction was issued. Such decree of injunction passed by the Civil Court cannot be a bar for evicting the encroachers from the water bodies.

4. In view of the fact and circumstances, the petitioner is at liberty to submit further objections, if any, within a period of 10 days from today. On receipt of any such objection, the respondent shall look into the same and identify the encroachments in water bodies and Government lands as the case may be. Thereafter, the encroachments are directed to be removed within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With these directions, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.J.,)

(K.R.S.J.,)

19.03.2024

Index : Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
(sha)

To



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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

(sha)

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