



WEB COPY



W.P.Nos.7345, 7350 & 7353 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.Nos.7345, 7350 & 7353 of 2020
and
W.M.P.Nos., 8781, 8785 & 8787 of 2020

M.Purushothaman

... Petitioner in all writ petitions

Vs.

1. The Executive Engineer,
Water Resources Department,
Water Resource Section,
Gudiyatham, Vellore District.

2. The Assistant Engineer,
Water Resource Department,
Water Resources Section,
Gudiyatham, Vellore District.

... Respondents in all writ petitions

Prayer in W.P.No.7345/2020:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent culminated in form-III rule 6(1) dated 02.03.2020 issued under Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007 in respect of the temple called Sri Gangaianman Temple situate at S.No.151 of K.A.Mottur Village, Keezhalathur Post, K.V. Kuppam Taluk, Vellore



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District and quash the same and consequently restrain the respondents from demolishing or removing the temples from S/No. 151 of K.A.Mottur Village, Keezhalathur Post, K.V.Kuppam Taluk, Vellore District.

Prayer in W.P.No.7350 of 2020:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent culminated in form-III rule 6(1) dated 02.03.2020 issued under Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007 in respect of the temple called Sri Nava Gragah Temple situate at S.No.151 of K.A.Mottur Village, Keezhalathur Post, K.V. Kuppam Taluk, Vellore District and quash the same and consequently restrain the respondents from demolishing or removing the temples from S/No. 151 of K.A.Mottur Village, Keezhalathur Post, K.V.Kuppam Taluk, Vellore District.

Prayer in W.P.No.7353 of 2020:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent culminated in form-III rule 6(1) dated 02.03.2020 issued under Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007 in respect of the temple called Sri Rajakaliamman Temple situate at S.No.151 of K.A.Mottur Village, Keezhalathur Post, K.V. Kuppam Taluk, Vellore District and quash the same and consequently restrain the respondents from demolishing or removing the temples from S/No. 151 of K.A.Mottur Village, Keezhalathur Post, K.V.Kuppam Taluk, Vellore District.



W.P.Nos.7345, 7350 & 7353 of 2020

For Petitioner : Mr.N.Sampath

For Respondents : Mr.A.Selvendran,
Special Government Pleader,
(for R1 to R2);

COMMON ORDER

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

The learned counsel for the petitioner states that the original writ petitioner died. However, the writ petition was filed challenging the eviction notification issued under Section 6 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007.

2. On account of the death of the writ petitioner, the Revenue authorities have to issue a fresh notice to the occupants/ encroachers under the provisions of the Land Encroachment Act and by following the procedure, the encroachments are to be removed. The entire exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

3. With these directions, the writ petitions are disposed of.



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However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are 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

1. The Executive Engineer,
Water Resources Department,
Water Resource Section,
Gudiyatham, Vellore District.

2. The Assistant Engineer,
Water Resource Department,
Water Resources Section,
Gudiyatham, Vellore District.



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S.M.SUBRAMANIAM, J.

and

K.RAJASEKAR, J.

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