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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2024

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THE HON'BLE MR JUSTICE V. LAKSHMINARAYANAN

C.R.P.(PD).No.2701 of 2024 &
C.M.P.No.14241 of 2024

Logasundaran ... Petitioner

-Versus-

1. The District Collector
O/o The District Collector Office
Dharmapuri 636 705.

2. The District Revenue Officer
O/o The Revenue Office
Collectorate Compound, Dharmapuri 636 705.

3. The Regional Divisional Officer
O/o The RDO, Old District Court Complex
Dharmapuri 636701.

4. The Tahsildar
O/o The Tahsidar cum executive Magistrate
Tahsildar Office, Dharmapuri, Salaivenayagarkoil Street
Dharmapuri 636 701.

5. The Revenue Inspector
O/o Revenue Inspector, Krishnagiri Main Road
near Rotary Hall, Dharmapuri 636 701.

6. Village Administrative Officer,
O/o The Village Administrative Office
A.Reddihalli Village, Sogathur Post

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Dharmapuri 636 809.

7. The PResident,
Sogathur Village, Panchayat
O/o. Panchayat Board
Pappinaickanahalli
Dharmapuri 636 809.

8. The Superintendent Engineer, WRO
O/o, Superintendent Engineer
Virupatchipuram, Dharmapuri 636701.

9. Executive Engineer, WRO
O/o, Superintendent Engineer
Virupatchipuram, Dharmapuri 636701.

10. Assistant Engineer, WRO
O/o, Superintendent Engineer
Virupatchipuram, Dharmapuri 636701.

11. Superintendent Engineer (Electricity)
Tamilnadu Generation and Distribution Corp.Ltd.
O/o, Superintendent Engineer
Opp. To Regional Transport Office
Dharmapuri 636 706.

12. Executive Engineer (Electricity)
Tamilnadu Generation and Distribution Corp.Ltd.
O/o, Executive Engineer
Opp. To Regional Transport Office
Dharmapuri 636706.

13. Assistant Engineer (Electricity)
Tamilnadu Generation and Distribution Corp.Ltd.
O/o, Assistant Engineer office
Salaivinayagar Koill Road, Dharmapuri 636701.

14. The Superintendent Of Police,

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O/o Superintendent of Police, Dharmapuri 636705.

15. The Deputy Superintendent of Police
O/o Superintendent of Police, Dharmapuri 636701.

16. The Inspector of Police
B-1, Police Station, Dharmapuri Town
Dharmapuri 636 701. ... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the Judgement and Decree dated 23.03.2024 in I.A No. 468 /2023 in O.S. No. 107/2020 on the file of District Munsif, Dharmapuri.

For the Petitioner : Mr.P.Vasudevan

For the Respondents : Mr.C.Sathish
for RR1 to 10 and 14 to 16

ORDER

This Civil Revision Petition arises against the order dated 23.03.2024 in I.A No. 468 /2023 in O.S. No. 107/2020 on the file of District Munsif, Dharmapuri, seeking for an amendment to challenge the proceedings that has been initiated by the Water Resources Organisation of the PWD Department.

2. The Water Resources Organisation has issued a notice invoking the

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provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.

3. The remedy for a person to challenge a proceedings under the said Act is by way of a Writ Petition before this Court.

4. Mr.P.Vasudevan would contend that the notice has been issued for the property, which is 8 kms away from the tank. I am certain that this plea can be raised before the Writ Court and be substantiated therein.

5. In the light of the specific bar under Section 14 of the Tamil Nadu Land Encroachment Act, 1905, as well as Section 9 of the Protection of Tanks and Eviction of Encroachment Act, 2007, I am unable to accede to the request of Mr.P.Vasudevan to grant amendment in the suit.

6. At this stage, Mr.P.Vasudevan requested permission of this Court to withdraw this revision with liberty to challenge the notice issued by the PWD before the Writ Court. He has also made an endorsement seeking for withdrawal with liberty.

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7. Liberty is granted. Accordingly, this Civil Revision Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

22.08.2024

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Index : yes / no
Neutral Citation : yes / no
Speaking / Non Speaking Order

To

The District Munsif, Dharmapuri.

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V.LAKSHMINARAYANAN, J.,

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