



W.P(MD)No.4760 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.03.2024

CORAM

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

**W.P(MD)No.4760 of 2024
and
W.M.P(MD)No.4570 of 2024**

1.R.Thirunavakarasu

2.M.Barakath Ali

... Petitioners

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Assistant Engineer,
Public Works Department,
Water Resource Organization
(Irrigation Section),
Thondi – I, Ramanathapuram District.

3.A.Santhana Doss

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, forbearing the second respondent from evicting the petitioners from their building in S.No.183, Oriyur Village and S.No.222



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Mandalakottai Village, Thiruvadanai Taluk, Ramanathapuram District without following the procedure indicated by the Honble Division Bench of this Court in T.S.Senthil Kumar Vs Government of Tamil Nadu Reported in 2010 3 MLJ 771 within the time frame stipulated by this Court.

For Petitioners : Mr.S.Rajasekar

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2.

2.It is brought to our notice that when similarly placed individuals filed writ petitions before this Court, they were disposed of on 27.02.2023 in W.P(MD)No.5600 of 2013 etc in the following terms:

“3.The primary ground taken in W.P(MD)Nos. 18735 of 2014 and 18152 of 2014 is that the authorities have issued a common notice and that they should have issued individual notices. When the matter was taken up for final disposal, the learned Special Government Pleader appearing for the official respondents produced the relevant file which clearly indicated that individual notices were served on all the writ petitioners as early as on 06.01.2010. Form – III notices



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were issued by the Assistant Engineer, Public Works Department (Irrigation Section), Thiruvadanai and Thondi on 11.11.2009. Therefore, the issuance of common notice in the year 2014 can only be treated as superfluous. The petitioners in W.P(MD)Nos.18735 of 2014 and 18151 of 2014 are given three more weeks from the date of receipt of a copy of this order to offer their response. The authorities will obviously bear in mind the procedure indicated by the Hon'ble Division Bench of this Court in the decision rendered in (2010) 3 MLJ 771 (T.S.Senthil Kumar Vs Government of Tamil Nadu). W.P(MD)Nos. 18735 of 2014 and 18151 of 2014 are disposed of accordingly. In view of the same, no further order is required in W.P(MD)No.5600 of 2013. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.”

The petitioners herein were also be dealt with on the same basis. This writ petition is disposed of on the same lines. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
05.03.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Assistant Engineer,
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Water Resource Organization
(Irrigation Section),
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