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W.P.(MD)NO.6302 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.6302 of 2024 AND

W.M.P.(MD)No.5902 of 2024

K.Sivakumar

... Petitioner

Vs.

1. The Secretary,
Revenue and Disaster Management Department,
Govt. of Tamil Nadu Secretariat, Chennai,
Tamil Nadu.
2. The Secretary,
Public Works Department,
Government of Tamil Nadu Secretariat, Chennai,
Tamil Nadu.
3. The District Collector,
District Collectorate,
Maruthupandiar Nagar,
Sivagangai, Tamil Nadu.
4. The Executive Engineer,
PWD Water Resources Organization,
Sarugani River Aquifer Zone,
Collectorate Complex,
Sivagangai, Tamil Nadu.
5. The Tahsildar,
O/o.Thirupuvanam Taluk, Thirupuvanam,
Sivagangai District, Tamil Nadu.



6. The Assistant Executive Engineer,
PWD Water Resources Organization,
Thirupuvanam, Sivagangai District,
Tamil Nadu.

7. P.Marimuthu

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned eviction notice issued by the 6th respondent dated 19.09.2023 and quash the same as illegal and consequently direct the 1st respondent to allow the petitioner to pay the tax (Thoervai/Mara Vari) to the Government until the yield completion of petitioner's coconut trees in Sivagangai District, Thiruppuvanam Taluk, Ladanendhal Village in Sy.No.57/1.

For Petitioner : Mr.P.Murughadasan

For R-1 to R-6 : Mr.K.Balasubramanian,
Special Government Pleader.

* * *

ORDER

Heard both sides.

2. The petitioner challenges the impugned Form II notice issued on 19.09.2023.

3. When the matter was taken up for hearing, the learned Special



Government Pleader points out that on 04.10.2023 Form III has been issued.

4. We would overlook this technical issue, if the petitioner has substantial case on merits. It is beyond dispute that the petitioner and others are in occupation of what is clearly a water body. It has been consistently held that encroachments on water bodies cannot be permitted and that they have to be removed. In fact the impugned action is being taken by the authorities only pursuant to the direction given by us in W.P.(MD)No.22608 of 2023 dated 20.09.2023. Interference is not warranted, when the character of the water body is not questioned. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
14th March 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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