



W.P.(MD)No.16471 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.11.2024

CORAM

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

W.P(MD)No.16471 of 2024
and
W.M.P.(MD)No.14266 of 2024

Karuppasamy

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District.

3.The Assistant Engineer,
Water Resources Organization,
Upper Vaippar Basin Sub-Division,
Srivilliputtur,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceedings No.NIL Form III dated 21.06.2024 and quash the same as



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illegal, arbitrary, violation of principles of natural justice and further, direct the first respondent to allot alternate house site, in view of representation dated 09.07.2024 within a stipulated period.

For Petitioner :Mr.M.Jothibasu

For Respondents :Mr.K.Balasubramani
Special Government Pleader
for R1 to R3

ORDER

Heard both sides.

2. The writ petition has been filed by the petitioner not only espousing his cause but also that of 18 other families.

3. The petitioners question the impugned Form III notice dated 21.06.2024. It is beyond dispute that survey No.234/1, Deivendhiri village is a water body. Therefore, the petitioner's occupation thereof cannot be permitted.

4. However, taking into account the special facts and circumstances obtaining in this case, we direct the respondents to keep the impugned Form III notice as far as the petitioners are concerned on hold and in abeyance for a period of four months from today. We permit the petitioners to submit a representation immediately to the first respondent. The first respondent will cause enquiry to be conducted. If the petitioners are eligible for free house site patta, the petitioners' case shall be considered sympathetically and an



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alternative place provided. Such an order shall be passed by the first respondent based on the petitioners' eligibility within a period of two months from the date of receipt of the petitioner's application.

5. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
05.11.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar,
Srivilliputtur Taluk,
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