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W.P.(MD)NO.20952 OF 2024

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 03.09.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**W.P.(MD)No.20952 of 2024 AND**

**W.M.P.(MD)No.17745 of 2024**

Marikannu

... Petitioner

**Vs.**

1. The District Collector,  
Collectorate,  
Pudukkottai District.

2. The Tahsildar,  
Taluk Office,  
Pudukkottai Taluk & District.

3. The Assistant Engineer,  
Water Resources Department Irrigation Division,  
Pudukkottai District.

... 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 pertaining to the third respondent's impugned notice in form No.III dated 29.07.2024(under the Rule 6(1) of Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007) and quash the same and consequently direct the respondents 1 and 2 to consider the petitioner's representation dated 24.08.2024 and issue house patta to the petitioner for the petitioner's residing place or allot alternative place, within the time frame fixed by this Court.



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For Petitioner : Mr.R.Paranjothi,  
for M/s.KBS Law Office.

For Respondents : Mr.K.Balasubramani,  
Special Government Pleader.

\* \* \*

### **ORDER**

Heard both sides.

2. The petitioner questions the impugned Form-III notice issued by the third respondent. It is beyond dispute that the petition-mentioned survey number has been classified as a water-body. The petitioner has not placed even an iota of material in support of her claim. We are therefore not inclined to interfere.

3. The contention put forth by the petitioner's counsel is that in the said survey number, Government buildings have been put up. We make it clear that there cannot be any selective targeting of the private buildings. If it is a water-body, no building or construction can come up. Even Government buildings also cannot come up. We make it clear that the encroachments in the petition-mentioned water-body would include the Government buildings.



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4. Since the petitioner has put up a house, the petitioner is given four months breathing time to make alternative arrangement. The petitioner may file an application before the District Collector, Pudukkottai for allotting alternative accommodation under any relevant scheme. The District Collector, Pudukkottai shall consider the same and if the petitioner is eligible, she will be provided an alternative accommodation. The order on the petitioner's application shall be made within a period of eight weeks from the date of receipt of a copy of the application. This writ petition stands dismissed with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)**

**3<sup>rd</sup> September 2024**

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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**AND**

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PMU

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