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W.P.(MD)NO.20956 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.20956 of 2024 AND

W.M.P.(MD)No.17753 of 2024

Vellaichamy

... 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 his 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 would come up. Even Government building 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 an arrangement. The petitioner will file an application before the District Collector, Pudukkottai for allotting house site under any relevant scheme. The District Collector, Pudukkottai shall consider the same and if the petitioner is eligible, he will be provided an alternative accomadation. 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.)

3rd September 2024

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

AND

B.PUGALENDHI, J.

PMU

To:

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.

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