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W.P.(MD)NO.22066 OF 2024

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

**DATED: 24.09.2024**

**CORAM**

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

**AND**

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

**W.P.(MD)No.22066 of 2024 AND**

**W.M.P.(MD)No.18687 of 2024**

Palaniyandi

... Petitioner

Vs.

1. The State of Tamil Nadu,  
Rep. by its Additional Chief Secretary,  
Revenue and Disaster Management Department,  
Secretariat, Chennai – 600 009.
2. The District Collector,  
Pudukkottai District,  
Pudukkottai.
3. The Assistant Engineer-WRD.,  
Department of Water Sources,  
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 in pursuant to the impugned notice issued in Form-III dated 15.02.2024 by the third respondent and quash the same as illegal and consequently directing the respondents to provide alternative remedy to the petitioner as per G.O.Ms.No.318 dated 30.08.2019 and subsequent period extended in Government Orders in G.O.Ms.No.480 dated



11.09.2020; G.O.Ms.No.267 dated 17.09.2021 (ratified G.O.Ms.No.622 dated 01.10.2021) and G.O.Ms.No.462 dated 23.09.2022 on the basis of the petitioner's representation dated 27.08.2024 within a time frame as may be fixed by this Court.

For Petitioner : Ms.A.Banumathy  
For Respondents : Mr.R.Ragavendran,  
Government Advocate.

\* \* \*

### **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 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.

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.)**  
**24<sup>th</sup> September 2024**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
PMU



4

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**G.R.SWAMINATHAN, J.**

**AND**

**B.PUGALENDHI, J.**

PMU

**To:**

1. The Additional Chief Secretary,  
Revenue and Disaster Management Department,  
Secretariat, Chennai – 600 009.
2. The District Collector,  
Pudukkottai District,  
Pudukkottai.
3. The Assistant Engineer-WRD.,  
Department of Water Sources,  
Pudukkottai District.

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**24.09.2024**



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