



W.P.(MD) No.24307 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.24307 of 2024
and
W.M.P.(MD)Nos.20575 and 20577 of 2024**

Jeyakumar

... Petitioner

-VS-

1.The District Collector,
Thanjavur District,
Thanjavur.

2.The Tahsildar,
Kumbakonam,
Thanjavur District.

3.The Corporation Commissioner,
Kumbakonam Municipal Corporation,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the relating to the impugned order of the third respondent in Na.Ka.No.8677/2021/d1, dated 01.10.2024 and quash the same.

For Petitioner	: Mr.R.Maheswaran
For Respondents 1 & 2	: Mr.S.P.Maharajan Special Government Pleader
For 3 rd Respondent	: Mr.M.Rajarajan, Standing Counsel



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ORDER

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[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 and 2. Mr.M.Rajarajan, learned Standing Counsel takes notice for the 3rd respondent.

2.The order under challenge is one passed under Section 128(2) of the Tamil Nadu Urban Local Bodies Act, 1998.

3.The Kumbakonam Municipality has been directed to remove all the encroachments made in about 18 water bodies in the city and a retired District Judge has been appointed as a Commissioner to oversee the survey operations. All the water bodies have been surveyed, the encroachments have been identified and action for removal has been taken. It is the contention of the petitioner that they have not encroached upon Survey No. 2242, which is classified as a water body. If the petitioner has not encroached upon Survey No.2242, the petitioner need not worry about the removal of the encroachment.

4.The report of the Town Surveyor shows that there are at least 15 encroachments in the pond and these houses also discharge sewerage into the pond. The authorities have followed the procedure prescribed under the



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Act and the final order of eviction has been passed.

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5.In the circumstances, we do not think we could interfere with the eviction process under Article 226 of Constitution of India. The Writ Petition is therefore, dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.]

[L.V.G., J.]

15.10.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
Mrn

To

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Thanjavur.
- 2.The Tahsildar,
Kumbakonam,
Thanjavur District.
- 3.The Corporation Commissioner,
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and
L.VICTORIA GOWRI, J.

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