



Rev.Aplw.(MD).No.186/2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MRS. JUSTICE S.SRIMATHY

Rev.Aplw.(MD).No.186/2023 & WMP.(MD).No.19066/2023

Masilamani.K

.. Petitioner

Vs.

- 1.The District Collector
Tiruchirappalli District
Tiruchirappalli 620 001.
- 2.The District Revenue Officer
Tiruchirappalli District,
Tiruchirappalli 620 001.
- 3.The Revenue Divisional Officer
Divisional Office, Paramasivapuram
Lalgudi Taluk, Tiruchirappalli District 621 601.
- 4.The Tahsildar,
Mannachanallur Taluk Office
Mannachanallur
Tiruchirappalli District 621 601.



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5.The Panchayat President

Panchayat Office, Aayikudi Village
Panchayat, Mannachanallur Taluk
Tiruchirappalli District 621 112.

6.The Superintending Engineer

Water Resources Department/PWD
Irrigation Section, Ariyaru Vadinila Kottam
Subramaniyapuram, Tiruchirappalli 620 020.

7.The Executive Engineer

Water Resources Department/PWD
Irrigation Section, Ariyaru Vadinila Kottam
Subramaniyapuram, Tiruchirappalli 620 020.

8.The Assistant Executive Engineer

Water Resources Department/PWD
Irrigation Section, Ariyaru Vadinila Kottam
Subramaniyapuram, Tiruchirappalli 620 020.

9.The Assistant Engineer

Water Resources Department/PWD
Irrigation Section, Lalgudi Taluk
Tiruchirappalli District 621 601.

... Respondents

Prayer : Review Application filed under Order 47 Rule 1 of CPC read with section 114 of CPC as against the order in WP.(MD).No.13513/2022 dated 29.06.2022 on the file of this Court.

For Petitioner : Mr.Ganesh Kumar.C

For Respondents : Mr.A.Kannan, AGP



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The present Review Application is filed by the review applicant as against the order passed in WP.(MD).No.13513/2022 dated 29.06.2022.
- (2)The petitioner filed the writ petition to quash the impugned order passed by the 9th respondent herein directing eviction and to direct the official respondents 1 to 4 to issue house site patta in respect of the petitioner's house comprised in S.No.176/1, to an extent of 2 cents, situated in Aayikudi Panchayat, Mannachanallaur Taluk, Tiruchirappalli District.
- (3)This Court after taking note of the fact that the encroachment alleged is in water body, namely, Melavanagaram Lake, upheld the impugned order which was passed after issuance of Forms I, II and III under the provisions of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007.
- (4)This Court has already considered all the points raised by the petitioner and the arguments advanced before this Court.



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(5)The learned counsel for the petitioner seeks indulgence of this Court under the pretext that the petitioner is a poor person who has no resources to look for an alternative accommodation. Therefore, the prayer of the learned counsel, now before this Court, is that the respondents should be directed to allot an alternative place for the petitioner and thereafter to enforce the order of eviction.

(6)This Court has already considered the similar submission at the time of the disposal of the writ petition. The request of the petitioner was turned down even at the time of the disposal of the writ petition by holding that the observation of this Court giving permission to the petitioner to approach the District Collector for an alternative accommodation cannot be understood that it is a constitutional right of the petitioner for claiming alternative accommodation.

(7)The operative portion of the order reads thus:-

"16.As regards alternative accommodation, irrespective of the order passed by this Court, it is open to the petitioner to approach the District Collector for any alternative accommodation, which can be considered by them independently. However, this Court does not find any statutory or constitutional right guaranteed to the petitioner for claiming alternative accommodation, as he/she is just an



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encroacher. The petitioner or other encroachers cannot be permitted to squat over the water body any further on the basis of their representations, which will not give them a fresh cause of action to file a Writ Petition regarding their possession or removal of encroachment. No costs. Consequently, connected miscellaneous petitions are closed."

(8)Therefore, this Court finds no scope for entertaining this review application once again for issuing further direction to the District Collector. The scope of the review is limited to the issue whether the order suffers from a patent error on the face of the record. Having regard to the nature of the order passed, this Court finds that the review application cannot be entertained. In the result, the Review Application stands **dismissed**. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
21.02.2024

AP
Internet : Yes
Neutral Citation : Yes / No

To



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