



W.P.(MD)No.28324 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.01.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)No.28324 of 2023
and
W.M.P(MD)No.24390 of 2023**

Rathinamala

... Petitioner

Vs.

- 1.The District Collector,
Collectorate, Ramanathapuram,
Ramanathapuram District.
- 2.The Commissioner,
Paramakudi Municipality,
Paramakudi, Ramanathapuram District.
- 3.The Sub Collector,
Paramakudi, Ramanathapuram District.
- 4.The Tahsildar,
Paramakudi, Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned notice issued



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by the second respondent in Na.Ka.No.745/2023/H1 dated 21.11.2023 and quash the same as illegal.

For Petitioner : Mr.P.Gunasekaran
For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1, R.3 & R.4
Mr.Prasanna Rajadurai for R.2

ORDER

Heard both sides.

2.Pursuant to the advice given by the Sub Collector, Paramakudi, the Commissioner of Paramakudi Municipality initiated action for clearing the encroachments in the petition mentioned water body.

3.It is not in dispute that the shop in question belongs to the local body. Therefore, if the local body forms the opinion that it is on a water body and that it has to be removed, the tenant or lessee cannot question the same. However, grant of three days time to vacate is clearly not in order.

4.The learned counsel appearing for the petitioner states that for the last several years, the petitioner has been in occupation of the shop in question. He also states that the petitioner has been selectively targeted.



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5.We grant three months time for the petitioner to vacate. If according to the local body, water body has been encroached, then a proper survey shall be undertaken by the Commissioner of Paramakudi Municipality and then all the encroachments should be identified. Action must be taken to remove all the encroachments at one go. The petitioner cannot be individually targeted. The shop in question occupied by the petitioner shall also be demolished as a part of the overall drive to remove all the encroachments in the water body.

6.The learned Special Government Pleader on instructions states that as many as 18 persons have been served with notices in this regard and that the petitioner has not been selectively targeted.

7.This writ petition is dismissed with the aforesaid observation and direction. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
04.01.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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and

B.PUGALENDHI, J.

MGA

To

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