

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 26.06.2025****CORAM****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****AND****THE HON'BLE MR.JUSTICE B.PUGALENDHI****W.P.(MD)No.4166 of 2020 and****W.M.P.(MD)No.3497 of 2020**

1. Kannusamy
2. Sonamuthu
3. Ayyanar
4. Viswanathan
5. Palraj
6. Backiam
7. C.Karuppaiah
8. Ayyakannu
9. Karuppaiah
- 10.Muthukaruppaiah
- 11.Naguran
- 12.Ramachandren
- 13.Tamilarasi

... Petitioners

Vs.

1. The District Collector,
Pudukkottai District, Pudukkottai.
2. The Tahsildar,
Avudaiyarkoil,
Pudukkottai District.
3. The Assistant Engineer,
Water Resource Organization,
(WRO)(Irrigation),
Public Works Department,
Mimisal, Pudukkottai District.



4. Chinnathambi

... Respondents

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Prayer: Writ petition filed under Article 226 of the Constitution of India, issuing a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent under Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 and quash the same as illegal and may consequently forbear the respondents 1 to 4 from interfering the right of peaceful enjoyment of the house property of the petitioners in Peyadikottai Village, Pudukkottai District.

For Petitioner : Mr.K.P.Narayanakumar

For R-1 to R-3 : Mr.N.Ramesh Arumugam,
Government Advocate.

For R-4 : Mr.M.Suresh

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ORDER

Heard both sides.

2. The petitioners are the residents of Peyadikottai Village. Admittedly, they are in occupation of a water body (Mangalam tank) in survey No.40.



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3. Therefore, there is no ground made out to interfere with the Form-III notice issued to the petitioners. However, taking into account the special facts and circumstances of the case, we grant six months time from today. This benefit of this order will enure in favour of the petitioners, if they will file an affidavit of undertaking before the third respondent within a period of two weeks from today. The petitioners are also directed to submit applications to the District Collector, Pudukkottai seeking allotment of alternative sites. The District Collector will consider the same and pass appropriate orders to the petitioners if they are eligible as per the Government norms. This shall be done by the first respondent within a period of two months after submission of the applications by the petitioners. This writ petition stands dismissed with the aforesaid directions.

4. The learned counsel for the fourth respondent states that apart from the petitioners, several other persons have encroached on the said survey number. We direct the authorities to take immediate action to remove the remaining encroachments also. Due opportunity shall be provided to all the encroachers before any coercive action is



taken. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
26th June 2025

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

PMU

To:

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AND

B.PUGALENDHI, J.

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