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W.P.(MD)NO.4074 OF 2020

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.4074 of 2020 and

W.P.(MD)No.3444 of 2020

J.Elgin Raj

... Petitioner

Vs.

1. The District Collector,
Kanyakumari District @ Nagercoil.

2. The Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3. The Assistant Engineer,
WRO/PWD,
Kothaiyar Basin Sub Division,
Thirpparappu Section,
Cheruppaloor,
Kanyakumari District.

4. The Tahsildar,
Thiruvattar Taluk,
Kanyakumari District.

5. M.Lawrence Benedit

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Ceriorarified Mandamus, to



call for the records of the impugned notice issued by the third respondent herein in Form III Rule 6(1) of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules 2007 dated 12.02.2020 and quash the same and consequently direct the respondents 2 to 4 to survey the entire Government Odai situated in Survey No.749/3 of Kulasekaram B Village, Thiruvattar Taluk, Kanyakumari District and remove all the encroachments made therein after affording an opportunity of hearing all the encroachers who made encroachments in the above said Odai as per the Act within a time frame fixed by this Court.

For Petitioner : Mr.B.Brijesh Kishore
For R-1 to R-4 : Mr.N.Ramesh Arumugam,
Government Advocate.
For R-5 : Mr.V.Rajiv Rufus

* * *

ORDER

Heard both sides.

2. It is not in dispute that survey No.749/3 Kulasekaram “B” Village, Thiruvattar Taluk has been classified as water body (Odai). The petitioner is said to have committed marginal encroachment on the water body. Form-III notice was issued against him. It is put to challenge in this writ petition.



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3. It appears to be that the other encroachers have also committed encroachment on the very same water body and they have been spared. Even while we sustaining the Form-III notice, we direct the respondents 1 to 4 to take action against the other encroachers so that all the encroachments are removed. The respondents shall put all the encroachers on notice and adhere to due process of law before taking action. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order. This writ petition stands dismissed with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

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

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

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G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

PMU

To:

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