



**W.P(MD)No.6128 of 2025**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 20.03.2025**

**CORAM:**

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU  
and  
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P(MD)No.6128 of 2025  
and W.M.P(MD)No.4500 of 2025**

B.Manickam

... Petitioner

vs.

1.The District Collector,  
Madurai District,  
Madurai.

2.The Tahsildar,  
Thirupparankundram Taluk,  
Madurai District.

3.The Assistant Engineer,  
W.R.D., Nilaiyur Section,  
Periyar Vaigai River Basin,  
Madurai-625 002.

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to follow strictly the procedures prescribed under the Tamil Nadu Protection of Tanks and Eviction of encroachments Act, 2007 along with the rules thereunder in tune with



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**WEB COPY** the directions given by this Court in W.P.(MD)No.7322 of 2022 dated 09.06.2022 on the basis of the petitioner's representation dated 25.02.2025.

For Petitioner : Mr.V.Balaji

For Respondents : M/s.D.Farjana Ghousia  
Special Government Pleader

**ORDER**

**(Order of the Court was made by J. NISHA BANU, J.)**

The petitioner has filed the present Writ Petition for a direction directing the respondents to follow strictly the procedures prescribed under the Tamil Nadu Protection of Tanks and Eviction of encroachments Act, 2007 along with the rules thereunder in tune with the directions given by this Court in W.P. (MD)No.7322 of 2022 dated 09.06.2022 on the basis of the petitioner's representation dated 25.02.2025.

2.The learned counsel appearing for the petitioner would submit that the petitioner's residential house built about 60 years back is situated in Survey No.92 in Sornam Colony within the limits of Madurai Corporation and the same is situated on the banks of Puliyankulam Tank and the nearby lands were



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classified as unassessed waste Natham land in the Government records. While so, the petitioner along with some of the residents of the locality were put to threat of immediate eviction from his residential house under the guise of removal of encroachment without any notice or enquiry. Since undated notices were pasted at various places by fixing the date of removal of encroachment as 11.03.2025, the petitioner submitted a detailed objections regarding his residential house dated 25.02.2025 to the respondents. Since the respondents proceeded against the petitioner's residential property without following due process of law and without complying with the specific directions given by this Court in W.P(MD)No.7332 of 2022, dated 09.06.2022, the petitioner has filed the present Writ Petition.

3.The learned Special Government Pleader appearing for the respondents would submit that pursuant to the same Survey No.92 of Puliyankulam Kanmoi, some of the residents of the locality filed a Writ Petition in W.P(MD)No.6220 of 2025, challenging the Form 3 notice, wherein this Court passed the following order:

*“2.The petitioners question the Form -3 notice issued by the third respondent. The subject matter pertains to Survey No.92. Revenue record was produced before us. It is seen therefrom that Survey No.92 has been classified*



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*as “Puliyankulam Kanmoi”. It is obviously a water body. Therefore, the petitioners' request for grant of patta cannot be accepted. The petitioners have also not made out any case for interfering with the impugned Form-3 notice. The petitioners do not have any semblance of title. It is true that they have been in occupation of the same for quite sometime. Even long possession of water body will not confer any right or title. We, however, permit the petitioners to submit the representations before the first respondent. The first respondent will consider granting alternative site to those applicants who are eligible as per the extant norms. The petitioners are given a breathing time of six months from today (06.03.2025) before they are dispossessed.*

*3.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.”*

The learned Special Government Pleader appearing for the respondents would submit that the similar order may be passed in this Writ Petition also.

4.In view of the above, the petitioner is directed to submit a representation before the first respondent. The first respondent shall consider granting alternative site to the petitioner, who is eligible as per the extant norms. The petitioner is granted six months time to vacate the premises, from the date of receipt of a copy of this order.



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5.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

**[J.N.B.,J.] & [S.S.Y.,J.]**  
**20.03.2025**

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

To

- 1.The District Collector,  
Madurai District,  
Madurai.
- 2.The Tahsildar,  
Thirupparankundram Taluk,  
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**J.NISHA BANU, J.**  
**and**  
**S.SRIMATHY, J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.6128 of 2025**

**DATED : 20.03.2025**