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W.P.(MD)NO.25632 OF 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.09.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.25632 of 2025 AND

W.M.P.(MD)No.20066 of 2025

Thangadurai

... Petitioner

Vs.

1. The State of Tamil Nadu-Rep. By its
The Principal Secretary to Government,
Revenue and Disaster Management Department,
Fort. St. George, Chennai – 600 009.
2. The District Collector,
Kanyakumari District,
K.P.Road, Ramavarmapuram,
Nagercoil.
3. The Tahsildar,
Agastheeswaram Taluk,
Office at Nagercoil,
Kanyakumari District.
4. The Superintending Engineer,
WRO, Public Works Department,
Nagercoil, Kanyakumari District.
5. The Assistant Engineer,
W.R.O.Public Works Department,
Kalkulam Taluk, Thukalay,
Kanyakumari District.

... Respondents



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Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order issued by the fifth respondent in Form III vide Ka.No.473/Ko3/Uo.Po(C)/2025 dated 18.08.2025 under Rule 6(1) of Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules 2007 to evict the petitioner from 0.05.0 square meter of land which is in the petitioner's possession and enjoyment in R.Sy.No.308/3 Vembanur Revenue Village, Agastheeswaram Taluk, Kanyakumari District, quash the same as illegal and further direct the respondents to consider the representation of the petitioner's wife dated 29.08.2025 to grant patta for the land in possession and enjoyment.

For Petitioner : Mr.K.P.Krishna Doss

For Respondents : Mr. S.Vinodh,
Government Advocate.

* * *

ORDER

Heard both sides.

2. The petitioner challenges the impugned Form-III notice issued by the fifth respondent. The petitioner has put up a house and



residing therein with his wife and special child in survey No.308/3.

The said survey number has been classified as water body which is known as Ilavaniyan Kulam. The petitioner had purchased the said property through a registered sale deed from one K.K.Dhas in the year 2002. The petitioner is obviously in occupation of an objectionable poramboke. Therefore, the steps taken by the respondents to have the petitioner evicted cannot be faulted.

3. The petitioner's counsel points out that in the very same survey number, there are few other encroachments and the local body has also built up a building on the water body. The petitioner cannot be selectively evicted. If this encroachment is to be removed, then all the encroachments have to be removed.

4. The petitioner would further allege that the impugned action is being taken to provide access to real estate promoters. We make it clear that survey No.308/3 shall be restored to its original condition and that it shall not be used as a pathway to access any neighbouring layout.



5. Considering the special facts and circumstances obtaining in

WEB COPY this case, the petitioner is permitted to reside in the petition-mentioned house for one more than one year from today. In the meanwhile, the petitioner is permitted to submit a representation to the second respondent seeking allotment of an alternative site or accomodation. The petitioner's counsel states that the petitioner is an agricultural coolie and that he is otherwise not having any other resources. If the claim of the petitioner that he is really poor is true and if he comes within the eligible category, the second respondent shall allot an alternative site or accomodation as the case may be as per the Government norms. This shall be done so that the petitioner will be able to move the allotted site at the expiry of one year period which we have granted today. This writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
18th September 2025

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

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To:

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B.PUGALENDHI, J.

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