



W.P(MD)No.14216 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 20.05.2026

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THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

W.P(MD)No.14216 of 2026

and

WMP(MD)Nos.10638 and 10639 of 2026

1. P.Jeyaraman

2. J.Suthanthira Devi

3. J.Ezhilarasan

4. J.Elavarasan

... Petitioners

Vs.

1. The District Collector,
Office of the District Collector,
Dindigul District.

2. The Assistant Engineer,
WRD Irrigation Section,
Dindigul District.

3. The Assistant Engineer,
WRD Irrigation Section,
Nilakottai,
Dindigul District.

4. The Tahsildar,
Athoor Taluk,
Dindigul District.

5. The Head Surveyor,
Athoor Taluk,
Dindigul District.



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6. The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Dindigul District.

...Respondents

PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records connected with the impugned eviction notice issued under Rule 6(1) of the Tamil Nadu protection of Tanks and Eviction of Encroachment Rules 2007 by the 2nd respondent dated 12.05.2026 and set aside the same and consequently direct the respondents to conduct fresh survey to demarcate the water body in Survey Filed No.258/1 and adjacent patta lands bearing S.F.Nos. 240/1A, 240/1B, 241/2, 242/1, 242/2, 242/3, 258/2A, 258/2C, 533, 535/1, 535/2, 536/1 and 536/2 situated at Paraipatti Village and Kannivadi Malai South Village Athoor Circle, Dindigul District, by referring to FMB dated 10.12.1963.

For Petitioner : Mr.A.Karthick Kumar

For Respondents : Mr.A.Baskaran

Additional Government Pleader

ORDER

(Order of the Court was made by **D.BHARATHA CHAKRAVARTHY, J.**)

WMP(MD)No.10638 of 2026 filed to permit the petitioners to join together and file a single writ petition, is ordered.

2. The writ petition is filed challenging the impugned eviction notice



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issued under Rule 6 of the Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules, 2007 by the 2nd respondent dated 12/05/2026.

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3. The learned counsel for the petitioner would submit that the petitioner is the owner of several properties and he is indulging in cultivation and also planting of trees. While so, with reference to the survey number in question, namely Survey No.258/1, the impugned notice has been issued. The respondents have not followed the procedure and no survey was conducted in the presence of the petitioner. Several of the trees which are planted in the patta land are also now taken as if they are in Survey No.258/1.

4. I have considered the submissions of the learned counsel for the petitioner and perused the material records of the case and also heard the learned counsel appearing on behalf of the respondents.

5. The Division Bench of this Court in **M.Surya vs. The Section Officer [W.P.No.13666 of 2022 etc., batch dated 7th July, 2022]**, has already held that Form-I and Form-II are not *sine qua non* for issuing of Form-III. This Court has already held that with reference to Form-III, the petitioner will be entitled to submit his objection. The same shall be considered and orders can be passed. In view thereof, the writ petition is disposed of on the following terms:



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(i) Within two weeks from the date of receipt of the web copy of the order, the petitioner can submit his detailed objections including the ones raised in the writ petition.

(ii) It is for the respondents to consider the same and pass a speaking order before proceeding to actually remove the encroachment.

No costs. Consequently, connected miscellaneous petition is closed.

[D.B.C., J.] & [R.P., J.]
20.05.2026

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D.BHARATHA CHAKRAVARTHY, J.
and
R.POORNIMA, J.

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ORDER MADE IN
W.P(MD)No.14216 of 2026
DATED : 20.05.2026