



W.P(MD)No.19818 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.19818 of 2021

and

W.M.P.(MD)No.16510 of 2021

C.Murali

... Petitioner

Vs.

1.The Secretary to Government of Tamilnadu,
Public Works Department, Secretariat,
St.George Fort, Chennai – 600 009.

2.The District Collector,
Pudukkottai District,
Pudukkottai.

3.The Tahsildar,
Manalmelkudi Taluk,
Pudukkottai District.

4.The Executive Engineer,
Grand Anaicut Channel Division,
Thanjavur.

5.The Assistant Executive Engineer,
Grand Anaicut Channel Division,
Nagudi, Manalmelkudi Taluk,
Pudukkottai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned notices dated 20.10.2021 issued by the 5th respondent in FORM III of Tamilnadu Protection of Tanks and Eviction of Encroachment Rules, 2007 in respect of survey Nos.85/2 and 85/4 of Ollanur Village, Manalmelkudi Taluk, Pudukkottai District and quash the same.

For Petitioner : Mr.B.Vijay Karthikeyan

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner questions the impugned eviction proceedings on the grounds set out in the affidavit filed in support of the writ petition.

3.The learned counsel for the reiterated all the contentions set out in the affidavit filed in support of the writ petition. We are not impressed by the same. Admittedly, in the revenue record, the petition mentioned



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survey numbers have been classified as “lake”. Therefore, the question of interfering with the impugned proceedings will not arise at all. It is however seen that the petitioner has roots in the land in question. It is seen that the petitioner's forefathers were also residing in the very same place. Considering these circumstances, we direct the respondents to defer their eviction action by six more months from 30.11.2023. It is always open to the petitioner to approach the competently authorities for granting free house site patta. If such an application is submitted, considering the special facts and circumstances of the case, the authorities are bound to issue favourable order.

4.This writ petition is dismissed accordingly. No costs.
Consequently, connected miscellaneous petition is closed.

(G.R.S.J.) & (B.P.J.)
30.11.2023

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



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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

ias

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