



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P(MD)No.5389 of 2011

and

M.P(MD)No.1 of 2011

M.Ranjith

.. Petitioner

Vs.

1.The Assistant Engineer P.W.D./W.R.O.,
Periyar Main Canal Section,
Sub Division No.I,
Madurai - 625 002.

2.The District Collector,
Madurai District, Madurai.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned notice to order for removal of encroachment in Ko.18/2011/U.Po/(Madurai)/ dated 11.04.2011 passed by the first respondent and quash the same as illegal.

For Petitioner	: Mr.H.Velavadhas
For Respondents	: Mr.D.Muruganandam, Additional Government Pleader.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the order passed by the first respondent in Ko.18/2011/U.Po/(Madurai)/ dated 11.04.2011 by way of issuance of writ of certiorari.

2.It is averred in the petition that the first respondent has issued the impugned notice as if the petitioner has encroached a portion of an irrigation tank known as Periyakulam Kanmai in Othakadai Village and further the notice issued by the first respondent is not in consonance with the existing law. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.The learned counsel appearing for the petitioner has contended that not only the petitioner has encroached a portion of



the tank mentioned in the notice, nearly 200 persons have put up temporary construction, but the first respondent has not taken proper steps in respect of encroachers and therefore the notice issued by the first respondent is liable to be quashed.

4. The learned Additional Government Pleader appearing for the respondents has also equally contended to the effect that the first respondent has taken proper steps to remove all encroachers and under the said circumstances a chart has been prepared.

5. Considering the representation made on the side of the respondents, this Court has perused the chart alleged to have been prepared by the first respondent and ultimately found that only seventeen persons have been shown as encroachers.

6. On the basis of the materials found in the chart and also on the basis of materials found in the impugned notice, this Court is of the view that some persons have encroached some portions of the tank mentioned in the notice. Under the said circumstances, this Court is of the view to pass the following order.

7. In fine, this writ petition is dismissed without costs and the first respondent is strictly directed to remove all encroachers as per law within a period of two months. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Assistant Engineer P.W.D./W.R.O.,
Periyar Main Canal Section,
Sub Division No.I,
Madurai - 625 002.

2. The District Collector,
Madurai District, Madurai.

+1cc to M/S Special Government Pleader, Sr No.81267

ORDER MADE IN
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and
M.P (MD) No.1 of 2011
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