



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4535 of 2017

and

W.M.P(MD)Nos.3629 & 3630 of 2017

Mahalakshmi

... Petitioner

vs.

The Assistant Engineer,
P.W.D / W.R.O, Periyar Main
Canal Section,
Sub Division No.1,
Madurai - 2.

... Respondent

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari to call for the records in the impugned notices dated 27.02.2017 passed by respondent calling upon the petitioner to evict from the portion of land occupied in Vandiyur to extent of 38 Sqm, 71 Sqm, 42 Sqm, 32 Sqm, 70 Sqm in Survey Field Number 43/1 in the Village Vandiyur I Pit Village in Madurai East Taluk in Madurai District and quash the same.

For Petitioner : Mr.F.Deepak

For Respondents : Mr.M.Govindan, Spl.GP

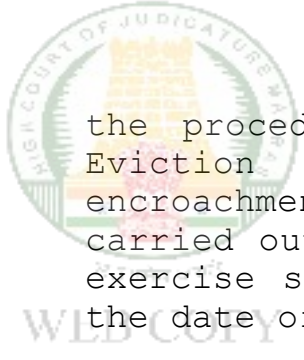
O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J)

The petitioner challenges the impugned notice dated 27.02.2017 issued by the respondent. The respondent has called upon the petitioner to remove the encroachment, which is stated to be on a water body.

2.The learned counsel for the petitioner would contend that the authorities have not followed the statutory procedure and that the survey was not undertaken after notice to him.

3.We therefore quash the impugned notice and remit the matter to the file of the respondent. A fresh survey shall be undertaken after due notice to the petitioner. The respondent shall follow



the procedure laid down in Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007. The removal of the encroachment and eviction of the encroachers will have to be carried out only in compliance of due process of law. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4.This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition are closed.

Sd/-
Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

The Assistant Engineer,
P.W.D / W.R.O, Periyar Main Canal Section,
Sub Division No.1,
Madurai - 2.

+1 cc to Mr.F.Deepak , Advocate in SR.No. 70526
+1 cc to The Special Government Pleader in SR.No.70264

Skm/Arul
AE/JC/SAR3/24.08.2017/2P/4C

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and
W.M.P (MD) Nos.3629 &
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02.08.2017**