



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. [MD].No.13035 of 2013

and

M.P. (MD)No.1 of 2013

D.Antony Muthu

: Petitioner

Vs.

The Assistant Engineer,
PWD/Water Resource Organization,
Tirunelveli Channel Section,
Palayamkottai,
Tirunelveli.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the communication made by the respondent under the caption of Thakithu dated 23.07.2013 to the petitioner and quash the same as illegal and arbitrary.

For Petitioner : Mr.P.Samuel Gunasingh

For Respondent : Mr.T.S.Mohamed Mohideen,
Additional Government Pleader

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The order passed by the respondent directing removal of the encroachment made by the petitioner in the property at Survey No.139, Karupanthurai Village, Tirunelveli, is under challenge in this Writ Petition.

2. The order passed by the respondent dated 23 July, 2013 does not contain any indication that prior notice was issued to the petitioner. We, therefore, quash the impugned order giving liberty to the respondent to issue notice to the petitioner and thereafter, decide the question of removal of encroachment on merits and as per law.

3. The Writ Petition is allowed as indicated above. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

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Sub Assistant Registrar



To

The Assistant Engineer,
PWD/Water Resource Organization,
Tirunelveli Channel Section,
Palayamkottai,
Tirunelveli.

+1cc to Spl.Government Pleader Sr.No.63677

SML

VB/SV/SAR3/18.07.2017/2P/3C

**Order made in
W.P. [MD] .No.13035 of 2013
05.07.2017**