



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 19.07.2018  
CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAISWAMY**  
**AND**  
**THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

W.P (MD) No.15714 of 2018  
and  
W.M.P (MD) Nos.14072 & 14073 of 2018

Mayakrishnan @ S.R.Kumar

... Petitioner

Vs.

1.The District Collector,  
Madurai District,  
Madurai.

2.The Assistant Director,  
Land Survey,  
Madurai District.

3.The Assistant Engineer W.R.O, PWD,  
Vaigai Section,  
Periyar Vaigai Basin Sub Division - II,  
Madurai - 2.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the impugned order passed by the third respondent in his proceedings Nil, dated 12.03.2018 and quash the same.

|                 |                                                          |
|-----------------|----------------------------------------------------------|
| For Petitioner  | : Mr.C.Mayil Vahana Rajendran                            |
| For Respondents | : Mr.A.K.Baskara Pandian,<br>Special Government Pleader. |

**ORDER**

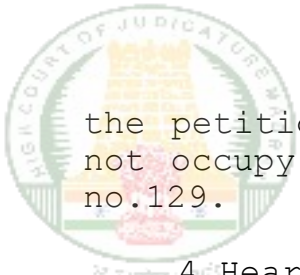
**(Order of the Court was made by DR.ANITA SUMANTH,J.)**

By consent, the Writ Petition is taken up for final disposal.

2.This Writ Petition is filed challenging a notice, dated 12.03.2018 for removal of an alleged encroachment in survey no.130/2 addressed to the petitioner and calling upon him to vacate the premises admeasuring an extent of 0.00.50 hectares at Dhevar Nagar Village, belonging to the Water Resources Organization of Public Works Department.

<https://hcservices.ecourts.gov.in/hcservices/>

3.Mr.C.Mayil Vahana Rajendran, learned counsel appearing for



the petitioner is categoric to the effect that the petitioner does not occupy survey no.130/2, but in fact is resident only in survey no.129.

4. Heard learned counsel appearing for the petitioner as well as Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing for the respondents.

5. The petitioner asserts that the notice itself is misconceived insofar as it proceeds on the erroneous assumption that he resides in a survey number in which he is not resident at all. According to him, he occupies only the property at survey no.129. He thus, he has no objection to the respondent taking action in respect of the property in survey no.130/2. Accordingly, and recording the statement of the petitioner, we direct the third respondent to proceed in accordance with the notice issued in respect of survey no.130/2 only. We make it clear that any action proposed in regard to the property at survey no.129 shall be taken only after due compliance with the procedure as set out under law.

6. The Writ Petition is disposed of in the aforesaid terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (WRITS)

/True Copy/

Sub Assistant Registrar (CS-I)

To

1. The District Collector,  
Madurai District,  
Madurai.

2. The Assistant Director,  
Land Survey,  
Madurai District.

3. The Assistant Engineer W.R.O, PWD,  
Vaigai Section,  
Periyar Vaigai Basin Sub Division - II,  
Madurai - 2.

+1CC to Mr.C.Mayil Vahana Rajendran Advocate in SR.No.73765.

+1CC to Special Government Pleader in SR.No.74335.

PS

DS/RP/SAR-1 :03.08.2018: 2P/6C

W.P (MD) No.15714 of 2018  
19.07.2018