



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 26.04.2019

CORAM:

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND**

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)NO.10412 OF 2019

and

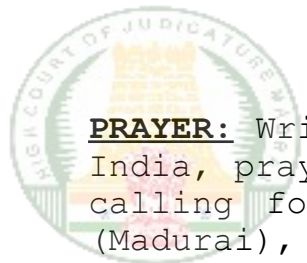
W.M.P(MD)No.8007 of 2019

M.Maheswari

:Petitioner

.VS.

- 1.The State of Tamil Nadu,
represented by its Secretary,
Secretariat,
The Public Works Department,
Fort St.George,
Chennai - 600 009.
- 2.The District Collector,
Madurai District.
- 3.The Revenue Divisional Officer,
Madurai District - 625 020.
- 4.The Tahsildar(North),
Madurai North Taluk Office,
Madurai District.
- 5.The Executive Officer,
Y.Othakadai Panchayat,
Madurai District - 625 107.
- 6.The Public Works Department,
Water Resources Organization,
represented by its Chief Engineer,
Periyar Main Canal Section,
Sub-Division-I,
Madurai District - 625 002.
- 7.The Public Works Department,
Water Resources Organization,
represented by its Assistant Engineer,
Periyar Main Canal Section,
Sub-Division-I,
Madurai District - 625 002.



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records of the impugned letter No.Ko6/2019/UooPo (Madurai), dated 15.2.2019 of the 7th respondent and to quash the same as illegal, ultra vires, arbitrary, unconstitutional, unjust and in equity and issue a patta in the name of the Petitioner in respect of S.F.No.49/2A, measuring an extent of 862 sq.ft, Rajakambeeram Village No.95, Y.Othkkadai, Madurai-Trichy Main Road, Madurai District Door No.2/856, Anna Nagar, Y.Othakkadai, Madurai District - 625 107 by considering the Petitioner's representation, dated 3.1.2019.

For Petitioner : Mr.R.Suresh Kumar

For Respondents : Mr.P.Kannithean
1 to 4, 6 and 7 Addl. Govt.Pleader

For Respondent-5 : Mr.S.Dhayalan

O R D E R

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

Heard Mr.R.Suresh Kumar, learned counsel appearing for the Petitioner, Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents 1 to 4, 6 and 7 and Mr.S.Dhayalan, learned Government Advocate appearing for the fifth respondent and perused the materials available on record.

2.The order impugned in this Writ Petition is a show-cause notice issued by the 7th respondent directing the Petitioner to appear for an enquiry on 26.02.2018.

3.The learned counsel for the Petitioner would state that since the date has been wrongly printed in the impugned order, the Petitioner could not appear before the 7th respondent for enquiry.

4.According to the learned counsel for the respondents, all the encroachments in the water body has been removed and similar Writ Petitions filed by the other encroachers have been dismissed. It is further submitted that a survey was conducted pursuant to the orders on this Court in W.P(MD)No.4946 of 2018, dated 8.3.2018 and W.P(MD)Nos.5440 to 5443 of 2018, dated 15.03.2018 and thereafter, they found that the Petitioner has encroached upon the water body.

5.It is to be noted that this Court has been consistently and repeatedly issuing directions to the authorities to remove all encroachments in water bodies. Perusal of the notice reveals that it was signed on 15.02.2019. Therefore, even though the enquiry date has been wrongly typed in the impugned order as 26.2.2018, the Petitioner should have appeared before the seventh respondent on 26.2.2019 for enquiry. For this flimsy reason, this Writ Petition



cannot be entertained and removal of encroachment is not to be stalled.

6. For the foregoing reasons, We find no merit in this Writ Petition. In fine, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar

/ True Copy /

Sub Assistant Registrar(CS)

vsn

To

1. The Secretary, Secretariat,
Public Works Department,
Fort St. George, Chennai - 600 009.
2. The District Collector, Madurai District.
3. The Revenue Divisional Officer,
Madurai District - 625 020.
4. The Tahsildar(North),
Madurai North Taluk Office, Madurai District.
5. The Executive Officer,
Y.Othakadai Panchayat, Madurai District - 625 107.
6. The Chief Engineer,
Public Works Department,
Water Resources Organization,
Periyar Main Canal Section,
Sub-Division-I, Madurai District - 625 002.
7. The Assistant Engineer,
Public Works Department, Water Resources Organization,
Periyar Main Canal Section,
Sub-Division-I, Madurai District - 625 002

+1 CC to Mr.R.SURESH KUMAR, Advocate (SR-63013[F] dated 26/04/2019)
+1 CC to M/s.SPL GP (SR-63326[F] dated 27/04/2019)

W.P(MD)NO.10412 OF 2019 and
W.M.P(MD)No.8007 of 2019
26.04.2019