



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MRS. JUSTICE R.THARANI

Writ Petition(MD)No.7201 of 2019

P.Vadivelan

.. Petitioner

Vs.

1.The Executive Officer,
Public Works Department/
Water Resource Organization,
Periyar Main Canal Sub Division No.2,
Melur, Madurai District.

2.The Assistant Executive Engineer,
Public Works Department/
Water Resource Organization,
Periyar Main Canal Sub Division No.2,
Melur, Madurai District-02.

3.The Taluk Surveyor,
Melur Taluk,
Madurai District.

4.Sasikumar
5.Bose

..Respondents

Prayer:Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the 2nd respondent to remove the encroachments made by the 4th and 5th respondents and others in Ilukkakudi Kanmoi comprised in S.No.65 in Arittapatti Village in Melur Taluk in Madurai District , after getting the report from the 3rd respondent and also issue necessary forms as accordance with the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007 and its Rules.

For Petitioner : Mr.R.Suriyanarayanan

For Respondents : Mr.VR.Shanmuganathan

Special. Govt. Pleader for R-1 to R-3
No appearance for RR-4 & 5

**ORDER**

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

The prayer in the writ petition is to issue a writ of mandamus directing the second respondent to remove the encroachment made by the 4th and 5th respondents and others in Ilukkakudi Kanmoi comprised in S.No.65 in Arittapatti Village in Melur Taluk in Madurai District.

2.Heard Mr.R.Suriyanarayanan, learned counsel for the petitioner, Mr.VR.Shanmuganathan, learned Special Government Pleader for the respondents 1 to 3. Notice sent to the respondents 4 and 5 has been returned as 'refused' and none appears for them.

3.The learned Special Government Pleader, by producing a letter of the second respondent, dated 28.03.2019 would submit that a request has been given to the Tahsildar, Melur to survey the land and issue Form I and after receiving the report and Form I, the second respondent would issue Form II and III and remove the encroachment.

4.Taking note of the above facts, this Court is of the view that if any encroachment is found, as per the report of the Tahsildar, the second respondent shall take further action to remove the encroachment within a period of three months therefrom.

5.With the above direction, writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

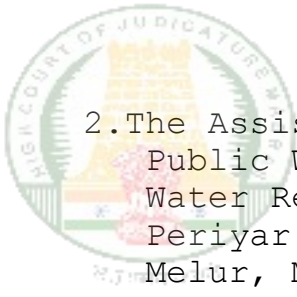
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Sub Assistant Registrar(CS)

vs

To

1.The Executive Officer,
Public Works Department/
Water Resource Organization,
Perryar Mann Canal Sub Division No.2,
Melur, Madurai District.



2.The Assistant Executive Engineer,
Public Works Department/
Water Resource Organization,
Periyar Main Canal Sub Division No.2,
Melur, Madurai District-02.

3.The Taluk Surveyor,
Melur Taluk,
Madurai District.

1 CC to M/s.R.SURIYANARAYANAN, Advocate (SR-61190[F] dated
16/04/2019)

+1 CC to M/s.SPL GP (SR-61623[F] dated 22/04/2019)

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16.04.2019

DS/ /SAR- (29.04.2019) 3P 6C