



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM

AND

THE HONOURABLE MRS. JUSTICE R. THARANI

Writ Petition (MD) No. 17919 of 2017

and

W.M.P. (MD) No. 14434 of 2017

Lakshmi

.. Petitioner

Vs.

1. The Assistant Engineer

Public Works Department/Water Resources Department

(Kallanai Canal Division)

Edaiyathi

Orathanadu Taluk

Thanjavur District.

2. Arumugam

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned order dated 26.08.2017 passed by the 1st respondent herein and quash the same and consequently direct to hear the petitioner by issuing show cause notice regarding the alleged encroachment.

For Petitioner

: Mr. D. R. Murugesan

For Respondents

: Mr. Aayiram K. Selvakumar

Addl. Govt. Pleader for R-1

Mr. N. Balakrishnan for R-2

ORDER

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

The writ petition has been filed, challenging the impugned order dated 26.08.2017 passed by the 1st respondent herein and consequently direct to hear the petitioner by issuing show cause notice regarding the alleged encroachment.



2.A Division Bench of this Court has already dealt with a similar matter in W.P.(MD).No.17910 of 2017, dated 30.10.2018. Relevant portion of the said order reads as follows:

"In view of the above, the writ petition is partly allowed by setting aside the impugned notice and the first respondent is directed to issue Form II notice and after receiving the said Form II notice, the petitioner is given two weeks time to submit his explanation, if any and on the basis of the explanation to be given by the petitioner, the first respondent can proceed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed. "

3.This writ petition also stands partly allowed on similar terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

The Assistant Engineer
Public Works Department/Water Resources Department
(Kallanai Canal Division)
Edaiyathi
Orathanadu Taluk
Thanjavur District.

+1 CC to M/s.D.R.MURUGESAN, Advocate (SR-52692[F] dated 08/03/2019)

+1 CC to M/s.SPL GP (SR-52607[F] dated 08/03/2019)

VS

Writ Petition (MD)No.17919 of 2017
07.03.2019

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