



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2019

WEB COPY

CORAM:
THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.27117 of 2019
and
W.M.P(MD)Nos.23447 & 23448 of 2019

The Correspondent,
Don Bosco Higher Secondary School,
Don Bosco Nagar,
Madurai - 625 014.

... Petitioner

Vs.

The Assistant Engineer,
P.W.D / W.R.O,
Periyar Main Canal Section,
Mettupatti Sub-Division No.1,
Madurai - 625 002.

... Respondent

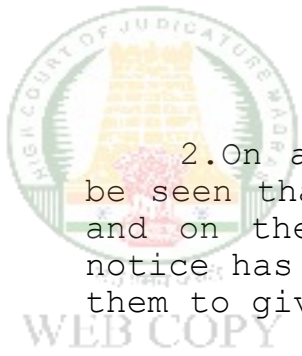
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating with the Form III Notice for removal of encroachment dated Nil issued to the petitioner on 13.12.2019 by the respondent relating with the alleged encroachment to an extent of 0.0243.5 ares in survey Filed Number Block No.6 in T.S.No.8, a portion of the fifth Branch Canal in Tallakulam Village in Madurai North Taluk in Madurai District and quash the same.

For Petitioner : Mr.K.Vijayanand
For Respondent : Mr.VR.Shanmuganathan,
Special Government Pleader.

ORDER

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari, calling for the records relating to the Form III notice, dated 13.12.2019 issued by the respondent relating to an alleged encroachment to an extent of 0.0243.5 ares in survey Filed Number Block No.6 in T.S.No.8, a portion of the fifth Branch Canal in Tallakulam Village, Madurai North Taluk, Madurai District and to



2.On a perusal of the materials available on record, it could be seen that the respondent had issued Form II notice on 12.12.2019 and on the very next day ie., 13.12.2019, the impugned Form III notice has been issued to the petitioner without giving any time for them to give their explanation.

3.On this ground, the impugned Form III notice is liable to be set aside. Accordingly, the same is set aside. We grant a week's time to the petitioner to submit their explanation to Form II notice dated 12.12.2019. On receipt of the same, the respondent is directed to pass necessary orders in accordance with law.

4.With these observations, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ps

To

The Assistant Engineer,
P.W.D / W.R.O,
Periyar Main Canal Section,
Mettupatti Sub-Division No.1,
Madurai - 625 002.

+1 CC to Mr.K.VIJAYANAND, Advocate (SR-106365[F] dated 20/12/2019)
+1 CC to SPL.GP (SR-106485[F] dated 27/12/2019)

W.P (MD) No.27117 of 2019
20.12.2019

MK (08.01.2020) 2P 4C