



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2021

CORAM :

THE HONOURABLE TMT.JUSTICE PUSHPA SATHYANARAYANA

and

THE HONOURABLE THIRU.JUSTICE P.VELMURUGAN

W.P (MD)No.20116 of 2021

and

WMP (MD)No.16821 of 2021

WEB COPY

S.Rukmani

... Petitioner

vs.

Assistant Engineer,
Public Works Department,
Periyar Main Channel Division,
Melur,
Madurai District.

... Respondent

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the Respondent in Form III (Sub rule (1) of Rule 6) notice to order for removal of encroachment in survey field No.193 of Attapatti Village, Melur Taluk, Madurai District, dated 27.10.2021 and quash the same.

For Petitioner : Mr.T.K.Gopalan

For Respondent : Mr.B.Saravanan, Government Advocate

ORDER

**(Order of the Court was made by
PUSHPA SATHYANARAYANA, J.)**

The writ petition is filed challenging the notice for removal of the encroachment, issued by the respondent.

2.Even as per the affidavit, the house of the petitioner and the cattle shed are in the kanmai bund. According to her, it is not causing any hindrance to any one who are using the kanmai water for irrigation purpose. It is not the case of the petitioner that either she is the owner of the property or she has got valid title to the same, instead, it is stated that the dwelling house of the petitioner is protecting the kanmai and the bund and therefore, none of the villagers raised any objections. Pursuant to the eviction notice issued by the respondent, the writ petition has been filed and the learned counsel for the petitioner would submit that the said notice was issued in violation of the principles of natural justice.



3. Therefore, let the notice be kept in abeyance. The petitioner is directed to give her objections to the above notice to the respondent within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such objections, the respondent may afford her an opportunity of personal hearing and consider her representation and pass appropriate orders within two weeks thereafter. In the event, it is found as encroachment, that has to be removed. The petitioner shall co-operate in vacating the premises.

4. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

bala

To
Assistant Engineer,
Public Works Department,
Periyar Main Channel Division,
Melur,
Madurai District.

+1 CC to M/s.T.K.GOPALAN, Advocate (SR-33991[F] dated 10/11/2021)

+1 CC to M/s.SPL.GP (SR-34261[F] dated 12/11/2021)

W.P (MD) No.20116 of 2021

DATED : 10.11.2021

RK/SKN(19/11/2021) 2P 4C