



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.02.2022

CORAM :

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)Nos.2285 of 2022
and
WMP(MD)No.1995 of 2022

Valanadu

... Petitioner

vs.

1) The Assistant Engineer,
Water Resources Organization, PWD,
Periyar Main Canal Section,
Melur Sub Division No.3,
Madurai-2.

2) The Assistant Engineer,
Water Resources Organization, PWD,
Periyar Main Canal Section,
Melur Sub Division No.2,
Madurai District.

3) Village Administrative Officer,
Arittapatti,
Melur Taluk,
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records relating to the impugned order in Letter No.Ko.16/2022/Vu.Po-3 Melur, dated 27.01.2022 passed by the 1st Respondent and quash the same.

For Petitioner : Mr.S.A.Ajmalkhan
For R1 to R3 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

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

The writ petition is challenging the impugned order in Letter No.Ko.16/2022/Vu.Po-3 Melur, dated 27.01.2022 passed by the 1st Respondent.

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2. The impugned notice clearly states that for all those encroachers including the petitioner, a notice was issued in Form III on 27.10.2020 calling upon them to remove the encroachments and vacate the premises. Despite the same, the encroachments were not removed. In the meanwhile, this Court had given directions to remove all the encroachments on the water bodies under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act 2007, pursuant to which, the impugned notice is issued to remove the encroachment on 04.02.2022 that is, today.

3. The encroachment alleged is in Survey No.65, whereas, the petitioner has produced the sale deed for Survey Nos.67/2B, 67/5 and 74/1. He is unable to say whether he has got any right over Survey No.65. He admitted that it is only adjacent lands.

4. Therefore, we see no merit to admit the case. It is open to the respondents to proceed with the eviction proceedings. However, at the request of the petitioner, we grant two months time from today to remove the encroachments, vacate the premises and hand over the vacant possession to the authorities.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1) The Assistant Engineer,
Water Resources Organization, PWD,
Periyar Main Canal Section,
Melur Sub Division No.3,
Madurai-2.

2) The Assistant Engineer,
Water Resources Organization, PWD,
Periyar Main Canal Section,
Melur Sub Division No.2,
Madurai District.



3) The Village Administrative Officer,
Arittapatti,
Melur Taluk,
Madurai District.

+1 CC to M/s.S.A.AJMAL KHAN, Advocate (SR-4499[F] dated
07/02/2022)

+1 CC to M/s.SPL.GP (SR-4532[F] dated 07/02/2022)

ORDER MADE IN
W.P (MD) No.2285 of 2022
DATED : 04.02.2022

_SS/25.02.2022 : 3P/6C