



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.05.2022

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CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) Nos. 9481 to 9484 of 2022

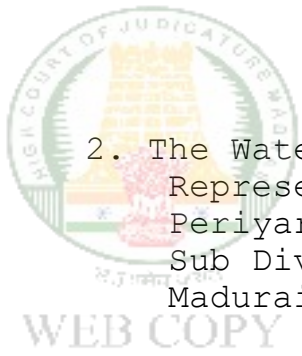
and

W.M.P. (MD) Nos. 6788, 6789, 6790, 6792 and 6793 of 2022

Maheswari	.. Petitioner in W.P. (MD) No. 9481 of 2022
Ayyanan	.. Petitioner in W.P. (MD) No. 9482 of 2022
M.Selvaraj	.. Petitioner in W.P. (MD) No. 9483 of 2022
Devaki	.. Petitioner in W.P. (MD) No. 9484 of 2022

Vs.

1. The District Collector,
Madurai District,
Madurai.
 2. The Public Works Department,
Water Resources Organisation,
Represented by its Chief Engineer,
Periyar Main Canal Section,
Madurai.
 3. The Public Works Department,
Water Resources Organisation,
Represented by its Assistant Engineer,
Periyar Main Canal Section,
Madurai.
.. Respondents in
W.P. (MD) Nos. 9481, 9483 and 9484 of 2022
1. The Water Resources Organisation,
Represented by its Chief Engineer,
Periyar Main Canal Section,
Sub Division No.1,
Madurai - 625 002.



2. The Water Resources Organisation,
Represented by its Assistant Engineer,
Periyar Main Canal Section,
Sub Division No.1,
Madurai - 625 002.

.. Respondents in
W.P. (MD) No. 9482 of 2022

PRAYER in W.P. (MD) No. 9481 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned eviction notice issued by the third respondent in his Letter No./Ko.21/Valakkugal/2022/Vu.Po.(Madurai) dated 27.04.2022 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently forbearing the respondents and his men or agents not to disturb the petitioner's house at Door No.2/586, Anna Nagar, Rajakambeeram Village, Y.Othakadai, Madurai District.

PRAYER in W.P. (MD) No. 9482 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice issued by the second respondent, dated 26.04.2022 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently forbearing the respondents and his men or agents not to disturb the petitioner's property in S.F. No. 78/1 at Rajakambeeram Village, Y.Othakadai, Madurai District.

PRAYER in W.P. (MD) No. 9483 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned eviction notice issued by the third respondent in his Letter No./Ko.21/Valakkugal/2022/Vu.Po.(Madurai) dated 27.04.2022 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently forbearing the respondents and his men or agents not to disturb the petitioner's Temple namely Naga Kaliyamman Kovil at Y.Othakadai, Madurai District.

PRAYER in W.P. (MD) No. 9484 of 2022: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the impugned eviction notice issued by the third respondent in his Letter No./Ko.21/Valakkugal/2022/Vu.Po.(Madurai) dated 27.04.2022 and quash the same on the ground that the same is arbitrary, illegal and without any legal basis and consequently forbearing the respondents and his men or agents not to disturb the petitioner's house at Door No.2/585, Anna Nagar, Rajakambeeram Village, Y.Othakadai, Madurai District.



For Petitioners
in all W.Ps'
For Respondents
in all W.Ps'

: Mr.A.Rajaram
: Mr.K.S.Selvaganesan
Additional Government Pleader

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C O M M O N O R D E R

[Order of the Court was made by **T.RAJA,J.**]

The Petitioners have been issued with impugned eviction notice, dated 27.04.2022, informing that the encroachment made by the petitioners would be removed on 05.05.2022. Questioning the same, these Writ Petitions have been filed on the ground that the third respondent issued impugned eviction notice in an arbitrary manner and without properly perusing the records and there is an extraneous consideration running behind the impugned eviction notice. Therefore, the eviction notice is liable to be set aside. The petitioners are permanently residing in that address for more than 40 years and they are living below the poverty line and therefore, a direction will be given to give alternative place for shifting their residence.

2. In reply, Mr. K.S.Selvaganesan, learned Additional Government Pleader appearing for the respondents submits that after issuing Form-I, Form-II and Form-III notices, final notice has also been issued on 05.05.2022 for removal of encroachment. By placing reliance on the order passed by this Court, dated 04.07.2019 in W.P. (MD) No. 14760 of 2019 in the case of **A.P.Sundari vs. The District Collector and others**, he would state that similar writ petitions were filed challenging removal of encroachment relating to Rajakambeeram, Othakadai, Madurai. The grievance of the petitioners therein is that they are living in small houses in the Periyakulam Kanmai for several decades and that they have been paying property tax, electricity consumption charges etc., and therefore, they should be issued with Patta. This Court considered all these pleas and passed an order directing the respondents therein to consider the representation of the petitioners and pass appropriate orders.

3. When the respondents have initiated an action for removal of encroachment from the water body, the petitioners cannot raise any objection and we find merit on the submission made by the learned Additional Government Pleader appearing for the respondents, as the petitioners have been issued with Form-I, Form-II and Form-III notices and final notice has also been issued.

4. The learned counsel appearing for the petitioners seeks three months time to remove encroachment and the same is rejected.



5. In view of the above, these Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (P&A)

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// True Copy //

/ /2022

Sub Assistant Registrar(CS)

am/vji

To

1. The District Collector,
Madurai District,
Madurai.
2. The Public Works Department,
Water Resources Organisation,
Represented by its Chief Engineer,
Periyar Main Canal Section,
Madurai.
3. The Public Works Department,
Water Resources Organisation,
Represented by its Assistant Engineer,
Periyar Main Canal Section,
Madurai.
4. The Water Resources Organisation,
Represented by its Chief Engineer,
Periyar Main Canal Section,
Sub Division No.1,
Madurai - 625 002.
5. The Water Resources Organisation,
Represented by its Assistant Engineer,
Periyar Main Canal Section,
Sub Division No.1,
Madurai - 625 002.

+1 CC to M/s.A.RAJARAM, Advocate (SR-23521[F] dated 06/05/2022)

+1 CC to M/s.SPL.GP (SR-23577[F] dated 09/05/2022)

W.P. (MD) Nos. 9481 to 9484 of 2022

and

W.M.P. (MD) Nos. 6788, 6789, 6790, 6792

and 6793 of 2022

06.05.2022

MGJ(24.05.2022) 4P 8C