



W.P.(MD)No.22355 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

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... Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Executive Engineer,
Periyar Irrigation Divisional Office,
Public Works Department,
Melur,
Madurai District.

3.The Junior Engineer,
Periyar Primary Cannel Section3
Singampunari,
Sivagangai District.

4.The Tahsildar,
Melur,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to take legal action to remove the encroachments made in Karungalakkudi S.F.No.566/1 in Kangankulam as per the form – III issued by the 3rd respondent in Karungalakkudi Village, Melur Taluk, Madurai District.



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For Petitioner

: Mr.S.Muthukrishnan

For Respondents

: Mr.S.P.Maharajan

Special Government Pleader

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ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents to take legal action to remove the encroachments made in Kanagankulam in S.F.No.566/1, Karungalakkudi Village, Melur Taluk, Madurai District, as per the form – III issued by the 3rd respondent.

2. Heard Mr.S.Muthukrishnan, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Pointing out that several persons have encroached Kanagankulam in S.F.No.566/1, Karungalakkudi Village, Melur Taluk, Madurai District, by constructing houses, and after conducting survey, the third respondent – Junior Engineer, Periyar



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Principal Canal Section 3, Singampunari, issued Form – III Notice to the encroachers and inspite of the same no action has been taken by the 3rd respondent to remove the encroachments, the petitioner submitted a representation to the 3rd respondent on 02.12.2020 and the same, according to the learned counsel for the petitioner, remains unattended.

5. Considering the fact that the third respondent having found encroachments in Kanagankulam in S.F.No.566/1, Karungalakkudi Village, Melur Taluk, Madurai District, and issued Form – III notice, this Writ Petition is disposed of with a direction to the 3rd respondent to proceed further in pursuance of the Form – III Notice for removal of encroachments in Kanagankulam in S.F.No. 566/1, Karungalakkudi Village, Melur Taluk, Madurai District, after affording an opportunity of hearing to the encroachers and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
23.09.2022

Internet : Yes / No

Index : Yes / No

sj



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

To

- 1.The District Collector,
Madurai.
- 2.The Executive Engineer,
Periyar Irrigation Divisional Office,
Public Works Department,
Melur,
Madurai District.
- 3.The Junior Engineer,
Periyar Primary Canal Section – 3,
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- 4.The Tahsildar,
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