



W.P.(MD) No.355 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.355 of 2023

and

W.M.P.(MD)No.336 of 2023

Ranjith Kumar

... Petitioner

-Vs-

1.The District Collector,
Karur District, Karur.

2.The Executive Engineer, WRD,
Amaravathy basin Section-1,
Karur District.

3.The Assistant Engineer, WRD,
Amaravathy Basin Section-1,
Karur District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice passed by the third respondent vide his proceedings in

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Form-III, (See Sub-Rule(1) of Rule-6), dated 14.12.2022 and quash the same as illegal and for other reliefs and consequently, direct the respondents 2 and 3 to survey the property in Survey No.152, situated at L.N.S.Village, Karur Taluk, Karur District.

For Petitioner : Mr.N.Balasubramanian

For Respondents : Mr.K.Balasubramani

Special Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the eviction notice dated 14.12.2022 issued by the 3rd respondent, this Writ Petition is filed with a consequential direction to direct the respondents 2 and 3 to survey the property in Survey No.152, situated at L.N.S.Village, Karur Taluk, Karur District.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.K.Balasubramani, learned Special Government Pleader, who takes notice for the respondents, on instructions, submits that the property in

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Survey No.154/5A, situated at L.N.S.Village, Karur Taluk, Karur District belongs to the petitioner, whereas the impugned eviction notice has been issued only in respect of Survey No.152, which is classified as water body and encroached by the petitioner. He further submits that the respondents will not take any eviction proceedings in respect of Survey No.154/5A.

4.In view of the above, we are of the view that the impugned eviction notice dated 14.12.2022, issued by the 3rd respondent does not warrant any interference. Therefore, this Writ Petition stands dismissed. It is for the respondents to take action for removal of the encroachment in the water body in question by following due process of law. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
09.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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AND

R.VIJAYAKUMAR, J.

MYR

To

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Karur District, Karur.
- 2.The Executive Engineer WRD,
Amaravathy basin Section-1,
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- 3.The Assistant Engineer, WRD,
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