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W.P.(MD)NO.1730 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.1730 of 2022 AND
W.M.P.(MD)Nos.1531 & 1532 of 2022

M.Sendhilkumar

... Petitioner

Vs.

1. The Commissioner,
Madurai Corporation Office,
Madurai District.
2. The Tahsildar,
Madurai North Taluk, Madurai.
3. The Assistant Engineer,
Public Works Department,
Water Resource Organisation
Irrigation Section No.11(I/C)
Peraiyar Vaigai Basin Sub-Division No.I,
Madurai – 625 002.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned Form III Notice issued by the 3rd respondent Assistant Engineer dated 04.01.2022 (affixed in the compound wall of the house on 06.01.2022) and quash the same.



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For Petitioner : Mr.Isaac Mohanlal,
Senior Counsel,
for M/s.Isaac Chambers.

For R-2 & R-3 : Mr.K. Balasubramani,
Special Government Pleader.

For R-1 : S.Vinayak

* * *

ORDER

Heard the learned Senior counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 2 and 3 and the learned Standing counsel appearing for Madurai Corporation.

2. The petitioner challenges the Form III notice issued by the third respondent. We take note of the fact that this notice was preceded by a notice. The learned Senior counsel submitted that during the Covid period, the petitioner was not alert and he could not therefore utilise the opportunity offered by the respondents.



3. Since the petitioner has offered his objections vide representation dated 19.01.2022, we direct the third respondent to hold an enquiry. The petitioner shall also be heard. Final order shall be passed thereafter. The impugned Form III notice will abide by the outcome of the order to be passed by the third respondent. The entire exercise will be completed within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition stands disposed of. We make it clear that we have not gone into the merits of the matter. All the contentions and the defences of the petitioner are left open. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

7th November 2023

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

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G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

PMU

To:

1. The Tahsildar,
Madurai North Taluk, Madurai.
2. The Assistant Engineer,
Public Works Department,
Water Resource Organisation
Irrigation Section No.11(I/C)
Peraiyar Vaigai Basin Sub-Division No.I,
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