



W.P(MD)No.1992 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

**W.P(MD)Nos.1992, 2043, 2232, 2269, 2284, 2290, 2317,
2352, 2380, 2385 & 2393 of 2022**

and

**W.M.P(MD)Nos.1709, 1756, 1945, 1977, 1996, 2009,
2022, 2042, 2056, 2060 & 2065 of 2022**

W.P(MD)No.1992 of 2022:

Paramaraj

... Petitioner

Vs.

1.The State represented by
The Secretary to the Government,
Department of Public Works,
Fort St.George,
Chennai – 600 009.

2.The District Collector,
Tirunelveli District,
Collectorate,
Tirunelveli.



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3.The Tahsildar,
Cheranmahadevi Taluk,
Tirunelveli District.

4.The Assistant Engineer,
Water Resource Department
of the public Works Department,
Irrigation Section, Cheranmahadevi,
Tirunelveli District.

5.The Assistant Divisional Engineer,
State Highways Department,
Ambasamudram,
Tirunelveli.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the notice of eviction under FORM III dated 22.01.2022 issued by the fourth respondent and a consequent notice of eviction in Memo No.11/2022/U/24.01.2022 dated 24.01.2022 issued by the fifth respondent quash the same and consequently direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of his property in S.No.69/3B1, situated in Mukkoodal Village, Cheranmahadevi Taluk, Tirunelveli District.

For Petitioner : Mr.Balaramesh
for D.Venkatachalam

For Respondents : Mr.K.Balasubramani
Special Government Pleader



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COMMON ORDER

It is stated by the learned counsel on either side that the writ petition listed before us were a part of a batch of 25 writ petitions. It is further stated that 14 out of 25 writ petitions were listed before the other Hon'ble Division Bench on 30.10.2023 and disposed of.

2. The present set of writ petitions is also disposed of on the same lines. In all these writ petitions, Form – III notices have been assailed. It is beyond dispute the Form – II notices were not personally served on the respective writ petitioners. The decision reported in **(2010) 3 MLJ 771 (T.Senthil Kumar Vs. The Government of Tamil Nadu)** states that while publishing Form – II notice, the alleged encroachers should also be parallelly served. Therefore, the impugned Form – III notices shall be treated as Form – II notices. The petitioners will offer their response. The response will be addressed to the District Collector, Tirunelveli. The writ petitioners will offer their response before the District Collector, Tirunelveli within a period of two weeks from the date of receipt of a copy of this order. Enquiry shall be held and the District Collector, Tirunelveli shall pass final order on merits and in accordance with law within a period of eight weeks thereafter. There shall



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be no order as to costs. Consequently, connected miscellaneous petitions are

closed.

[G.R.S., J.] [B.P., J.]
02.11.2023

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

To

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Tirunelveli.
- 3.The Tahsildar,
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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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