



W.P(MD)No.3651 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.11.2023

CORAM

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

**W.P(MD)No.3651 of 2022
and
W.M.P(MD)Nos.3184 & 3187 of 2022**

S.Panjali

... Petitioner

Vs.

1.The Assistant Engineer,
Public Works Department /
Water Resources Organisation,
Irrigation Section No.II,
Periyar Vaigai Basin,
Sub Division No.1,
Madurai – 625 002.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

... 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 Impugned Form-III Eviction Notice dated 04.01.2022 issued by the first respondent and quash the same as illegal and consequently forbearing the



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respondents from any manner dispossessing the petitioner from his property comprised in D.No.25A/1, Nehruji Street, Meenambalpuram Post, Bibikulam, Madurai Town.

For Petitioner : Mr.P.Mahendran

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. The petitioner challenges the Form – III notice issued by the first respondent.

3. Our attention is drawn to the order dated 09.08.2019 made in W.P(MD)No.24643 of 2018. It was filed by the present petitioner herself. The said writ petition was disposed of on 09.08.2019 in the following terms:

“4.This Court in the facts and circumstances of the case, without going into the merits of the claim made by the petitioner either in this writ petition or in the representation dated 10.12.2018, directs the petitioner to submit a detailed representation with supporting documents of genuineness and authenticity to the sole respondent within a period of two weeks



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from the date of receipt of a copy of this order and on receipt of the same, the respondent is directed to consider the same on merits and in accordance with law and if required, give the petitioner an opportunity of personal hearing and thereafter, pass appropriate orders within a period of six weeks thereafter and communicate the decision taken to the petitioner and till such time the possession and enjoyment of the petitioner in respect of the land and the superstructure in question shall not be disturbed. It is made clear that till a decision is taken by the respondent on the representation to be submitted by the petitioner, she shall not create any third party right in respect of the land in question as well as the superstructure put up therein and cooperate with the respondent for expeditious conclusion of the enquiry.”

We notice that availing the liberty given by this Court, the petitioner had offered her objections on 14.09.2019. She has enclosed as many as 10 documents along with her objections. She gave further representation on 19.07.2021. The said representation has been enclosed in the typed set of papers. Without passing any order as directed by the Hon'ble Division Bench on 09.08.2019, the impugned Form – III notice has been straightaway issued. Since the direction of this Court has not been complied with, the impugned Form – III notice is set aside.



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4. The petitioner is directed to submit fresh set of documents along with her objections within a period of two weeks from the date of receipt of a copy of this order. The first respondent is directed to adhere to the direction earlier given in W.P(MD)No.24643 of 2018.

5. Accordingly, this writ petition is allowed. The first respondent shall pass order on the petitioner's objection with a period of six weeks thereafter. Since the petitioner is a senior citizen aged about 81 years, she can be represented by her son in the enquiry. There shall 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
1. The Assistant Engineer,
Public Works Department /
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2.The Tahsildar,
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