



W.P(MD)No.4750 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 24.04.2023

CORAM

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

W.P(MD)No.4750 of 2023
and
W.M.P.(MD)No.4413 of 2023

T.Suthakar

... Petitioner

Vs.

1.The Executive Engineer,
Water Resource Department Manjalaru Division,
Periyakulam, Theni District.

2.The Assistant Engineer,
Water Resource Department (Irrigation Division),
Theni, Theni District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 2nd respondent dated 31.10.2022 and quash the same as illegal.



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For Petitioner : Mr.B.Saravanan, Senior Counsel,
For Mr.C.Jeganathan

For Respondents : Mr.R.Ravindran,
Addl. Advocate General,
Assisted by Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard the learned senior counsel for the writ petitioner and the learned Special Government Pleader for the respondents.

2.The petitioner questions the impugned eviction notice issued by the second respondent on the grounds set out in the affidavit filed in support of the writ petition.

3.We went through the contents of the title deed standing in the name of the writ petitioner. It is true that the sale deed was executed way back on 02.04.1964. In the schedule set out in the sale deed, survey number has not been given. However, the southern boundary has been mentioned as Theni channel. It is obvious that it refers only to the “Raja Vaikkal”. The stand of the respondents is that the petitioner's



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construction has come up in T.S.No.56 which corresponds to Old Survey No.250, which has been classified only as Vaikkal in the “A” register. It is not the case of the petitioner that the construction in question is not in T.S.No.56.

4.Even though the respondents had taken the stand that survey was already conducted, in order to address the concerns expressed by the petitioner, we directed the authorities to conduct fresh survey on 24.03.2023. The said survey clearly indicates that the construction in question is located in T.S.No.56. No case for interference has been made out and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S.J.) & (B.P.J.)
24.04.2023

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



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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

ias

To:-

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Periyakulam, Theni District.
- 2.The Assistant Engineer,
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Theni, Theni District.

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