



W.P(MD)No.5339 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

CORAM

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

**W.P(MD)No.5339 of 2023
and
W.M.P(MD)Nos.4989 and 4990 of 2023**

S.John Bright

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Chief Engineer,
Public Works Department and Water Resources Organization,
Chepauk,
Chennai - 5.

3.The Executive Engineer,
Public Works Department / Water Resources Organization,
Valliyur,
Tirunelveli District.

4.The Assistant Executive Engineer,
Public Works Department / Water Resources Organization,
Valliyur, Tirunelveli District.

5.The Tahsildar,
Thisiyanvilai Taluk,
Tirunelveli District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned letter affixed by the 4th respondent vide letter no. Ko.45/2022 dated 06.03.2023 under Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 and to quash the same as illegal and consequently forbearing the respondents or its men or agents from disposes the petitioner from the land in Survey No.91, at Kasthuri Rengapuram Village, Thisaiyanvilai Taluk, Tirunelveli District without conducting any enquiry and proper survey of the disputed land by considering the representation of the petitioner dated 13.02.2023.

For Petitioner : Mr.G.Karuppiah

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the impugned communication sent by the fourth respondent to the fifth respondent seeking police protection at the time of removal of encroachment. When the matter was taken up for hearing, the learned Special Government Pleader submitted that the encroachments have already been removed on 08.03.2023. What is under challenge is only the



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communication between the fourth respondent and the fifth respondent. Such a communication is not amenable to judicial challenge. The petitioner has not formally questioned the Form-III notice. It is true that even without giving sufficient time after serving Form-III, action had been taken. On this ground, we do not want to put the clock back because it appears that the encroachment had been committed very much within the water body. It is in this view of the matter, we hold that nothing survives for further adjudication.

3.This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[GRS.,J.] and [BP.,J.]

13.03.2023

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

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

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To:

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- 3.The Executive Engineer,
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- 5.The Tahsildar, Thisiyanvilai Taluk, Tirunelveli District.

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