



W.P(MD)No.5189 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED : 24.04.2023

CORAM

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

W.P(MD)No.5189 of 2023

and

W.M.P.(MD)Nos.4881 and 4882 of 2023

Theni Melapettai Hindu Nadargal Uravinmurai,  
Rep. by its President,  
T.Rajmohan.

... Petitioner

**Vs.**

1.The Executive Engineer,  
Water Resources 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 in his proceedings Nil dated 30.12.2022 and quash the same as illegal.



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For Petitioner : Mr.M.Ajmalkhan, Senior Counsel,  
For M/s.Ajmal Associates.

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 challenges 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 called upon the petitioner to produce the title documents based on which it is in possession of the petition-mentioned property. The matter was adjourned to enable the petitioner to do so.



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4.Today, the learned senior counsel produced copy of the sale deed dated 01.04.1942 executed in favour of the writ petitioner. The schedule set out in the sale deed categorically states that the property purchased by the petitioner is comprised in Old Survey No.261/3 and measures an extent of 14 cents. The four boundaries have been set as follows:-

To the south of the road.

To the west of Sarkar Tharisu

To the north of the channel

To the east of the land belonged to Ramasamy Pillai

5.It is obvious from the sale deed that the property produced by the petitioner is lying to the north of Raja Vaikkal. We went through the contents of the impugned notice. 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 authority proposed to remove the constructions that have been put up in Town Survey No.56 (Old Survey No.260). In other words, the authorities have no intention to



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touch the property purchased by the petitioner under sale deed dated 01.04.1942. Since we are more than satisfied that the petitioner has no claim whatsoever over the lands covered by the impugned notice, we do not propose to interfere with the same. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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

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

To:-

- 1.The Executive Engineer,  
Water Resources Department Manjalaru Division,  
Periyakulam, Theni District.
- 2.The Assistant Engineer,  
Water Resource Department (Irrigation Division),  
Theni, Theni District.



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

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**24.04.2023  
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