



W.P(MD)No.5536 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.5536 of 2023
and
W.M.P.(MD)Nos.5161 and 5162 of 2023

P.Manikam

... 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 26.12.2022 and quash the same as illegal.



WEB COPY



W.P(MD)No.5536 of 2023

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 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.According to the respondents, the encroachment in question is located in T.S.No.12 corresponding to Old Survey No.264. It is beyond dispute that Old Survey No.264 has been classified only as channel. We called upon the petitioner to produce his title documents. No title document is forthcoming. Pursuant to the direction given by this Court, survey was conducted on 24.03.2023. The petitioner was very much



W.P(MD)No.5536 of 2023

present when survey was conducted. When it was established during survey that the encroachment is located in T.S.No.12, the question of interference does not arise. 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 Resource Department Manjalaru Division,
Periyakulam, Theni District.
- 2.The Assistant Engineer,
Water Resource Department (Irrigation Division),
Theni, Theni District.



WEB COPY



W.P(MD)No.5536 of 2023

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

ias

W.P(MD)No.5536 of 2023

**24.04.2023
(5/6)**