



W.P(MD)No.5537 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.5537 of 2023
and
W.M.P.(MD)Nos.5157 and 5159 of 2023

M.Jothi

... 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.



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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 challenges the eviction notice issued by the second respondent on the grounds set out in the affidavit filed in support of the writ petition.

3.The learned senior counsel for the petitioner pointed out that the petitioner is not the only encroacher and that the authorities have themselves identified 165 encroachers. The officials are present in person before this Court. It is confirmed from them that apart from the petitioner, there are 165 encroachers. We direct the respondents to adopt due process of law and ensure that Raja Vaikkal is completely cleared of all the encroachments.



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4.The petitioner is given six months time to remove the encroachment on his own. We give this concession to the petitioner alone considering the fact it is a commercial building and the learned senior counsel submitted that the substantial investment had been made. They have to make alternative arrangement to shift their establishment. If the petitioner fails to do to so, the respondents shall summarily remove the encroachment without further notice and without reference to this Court.

5.With the above observations, this writ petition is 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:-

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Periyakulam, Theni District.
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