



W.P(MD)No.8796 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.04.2023

CORAM

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

**W.P(MD)No.8796 of 2023
and
W.M.P(MD)Nos.8038 & 8040 of 2023**

Manikkam

... Petitioner

Vs.

1.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

2.The Assistant Engineer,
PWD, (Water Resource Department),
Irrigation Section,
Thiruvadanai,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice to order for removal of encroachment issued by the second respondent under Form - III dated 28.03.2023 and quash the same as illegal.



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For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2.The petitioner challenges the impugned Form-III notice on the grounds set out in the affidavit filed in support of the writ petition.

3.We went through the contents of the Form-III notice. It only proposes removal of the encroachment in Survey No.18/1 in Athiyur Village in Thiruvadanai Taluk. We wanted to know from the learned counsel appearing for the petitioner if there is any proof to show if the petitioner has any legal right over the Survey No.18/1. The learned counsel appearing for the petitioner places reliance on sale deed dated 22.08.1990 executed in his favour by one Valli. The schedule annexed to the sale deed refers to Survey No.205/7. It has nothing to do with Survey No.18/1. We therefore decline to interfere with Form-III notice impugned in this writ petition. We however make it clear that the exercise of removal of encroachment shall be confined only to Survey No. 18/1.



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4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
18.04.2023

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

To

1.The Tahsildar,
Thiruvadanai Taluk,
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PWD, (Water Resource Department),
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