



W.P.(MD)Nos.11663 to 11665 &12379 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.07.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.11663 to 11665 & 12379 of 2023

and

W.M.P.(MD)Nos.10122,10123, 10124, 10125, 10126, 10127, 10128, 10129,
10130, 10506, 10507 & 10508 of 2023

M.Kannan	... Petitioner in W.P.(MD)No.11663 of 2023
R.Vijayakumar	... Petitioner in W.P.(MD)No.11664 of 2023
K.Balaji	... Petitioner in W.P.(MD)No.11665 of 2023
N.Samsath Begum	... Petitioner in W.P.(MD)No.12379 of 2023

Vs.

1.The Public Works Department,
Rep. By its Superintending Engineer,
Public Works Department,
Lower Cauvery Basin Circle,
Thanjavur.

2.The Executive Engineer,
Water Resources,
Public Works Department (PWD),
Kumbakonam,
Thanjavur.



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3.The Assistant Engineer WRO,
Cauvery Division,
Pabanasam,
Presently stationed at
PWD Office,
Sakkottai,
Kumbakonam,
Thanjavur.

4.Elephant G.Rajendran

... Respondents in all W.Ps.

Common 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 dated 05.05.2023 on the file of the third respondent and quash the same as illegal.

For Petitioners :Mr.T.Lajapathi Roy
Senior Counsel
for M/s.Lajapathi Roy & Associates

For Respondents :Mr.K.Balasubramani
Special Government Pleader for R1 to R3
(in all W.Ps.) : No appearance for R4

COMMON ORDER

Heard the learned senior counsel appearing for the petitioners and the learned Special Government Pleader appearing of the official respondents. The fourth respondent has been served. But he has not chosen to enter appearance.



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2. Form III notices issued by the third respondent are under challenge in these writ petitions.

3. The learned senior counsel appearing for the petitioners would contend that proper survey was not done and that there has been no identification of the encroachment in their presence.

4. The learned Special Government Pleader on the other hand contended that surveys were earlier conducted in the presence of the petitioners. Proper survey was earlier done and only based on Form I & III, the impugned notices came to be issued.

5. We refrain from going into the veracity of the rival claims. In the interest of justice, we direct that the impugned notices shall be treated as show cause notices. The petitioners are given four weeks time from the date of receipt of a copy of this order to offer their objections. The third respondent shall consider the same. The third respondent will conduct survey in the presence of the petitioners herein so as to correctly identify the extent of encroachment of the water bodies. Thereafter final order shall be passed. The question of issuing further notice will not arise thereafter.



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6.These Writ Petitions are disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
07.07.2023

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

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G.R.SWAMINATHAN, J



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and

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