



W.P.(MD) No.12125 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.05.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE Mrs.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.12125 of 2023
and WMP(MD) No.10389 of 2023**

Deivasigamani

... Petitioner

-VS-

1.The District Collector,
Virudhunagar
Virudhunagar District

2.The Assistant Divisional Engineer (Highways)
Thiruchuli
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings in Na.Ka.No.194/2022/A1 dated 02.05.2023 and quash the same.



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For Petitioner : Mr.S.Poornachandran

For Respondents : Mr.S.P.Maharajan for R1&R2
Special Government Pleader

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents.

3. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

4. Learned counsel for the petitioner would submit that the impugned proceedings has been issued by an authority, who has no authority to issue such an order. However, we are not inclined to entertain the writ petition for the simple



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reason that S.No.248/2B has been classified as water body and the impugned proceedings was issued for removal of encroachment, which cannot be interfered with.

5. Accordingly, the writ petition fails and the same is dismissed. At this juncture, the learned counsel for the petitioner sought for three weeks time to vacate the premises. Considering the undertaking given by the petitioner that he would vacate and hand over the possession, two weeks time is granted from today for the petitioner to vacate. If the petitioner fails to vacate the premises, the respondents are at liberty to remove the encroachment at the cost of the petitioner. No costs. consequently connected Miscellaneous Petition is closed.

NCC : Yes / No
RR

[T.R., A.C.J.] [L.V.G, J.]
17.05.2023



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THE HON'BLE THE ACTING CHIEF JUSTICE
and
L.VICTORIA GOWRI, J.

RR

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