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W.P.(MD)NO.9225 OF 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.9225 of 2015 AND

M.P.(MD)Nos.1 & 2 of 2015

N.Rajalakshmi

... Petitioner

Vs.

The Assistant Engineer,
Public Works Department /
Water Resource Organization
Vaigai Section,
Periyar Vaigai Basin Sub Division No.II,
Madurai -2.

... Respondent

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the respondent dated 29.05.2015 and quash the same.

For Petitioner : Mr.M.Rajaraman

For Respondent : Mr.N.Satheesh Kumar,
Additional Government Pleader.

* * *

**ORDER**

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Heard the learned counsel on either side.

2. By the impugned Form III notice, the respondent called upon the petitioner to remove the petition-mentioned encroachment. The case of the petitioner is that she was not put on notice. According to the learned counsel, the respondent has not borne in mind the mandate issued by the Hon'ble Division Bench vide order dated 10.02.2010 in Writ Petition No.20021 of 2008 (T.S. Senthil Kumar V. The Government of Tamil Nadu).

3. The learned Additional Government Pleader would point out that the petitioner has not produced any document to show that she is legally entitled to get the petition-mentioned land which has been classified as water-body.

4. I consciously refrain from interfering with the impugned order. I however direct the respondent to hold an



enquiry in the matter. The petitioner will appear before the respondent on 11.09.2023 at 3.00 p.m. The petitioner would place materials to justify her right over the petition-mentioned land that is comprised in survey No.411 in Avaniyapuram Village. The respondent will also indicate the petitioner as to why she has been treated as an encroacher. After holding an enquiry, final order shall be passed by the respondent. The impugned Form III notice will abide by the order to be passed by the respondent. It is made clear that the petitioner will not receive any fresh notice from the respondent. It is for the petitioner to appear on the enquiry date and place relevant materials.

5. This writ petition stands disposed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

29.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU



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G.R.SWAMINATHAN,J.

PMU

To:

The Assistant Engineer,
Public Works Department /
Water Resource Organization
Vaigai Section,
Periyar Vaigai Basin Sub Division No.II,
Madurai -2.

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