



W.P(MD)No.23156 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.09.2023

CORAM

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

**W.P(MD)No.23156 of 2023
and
W.M.P(MD)No.19355 of 2023**

Pushpa

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Karur District.

2.The Executive Engineer,
Water Resources Department,
Amaravathi Basin Section - 1,
Karur District.

3.The Assistant Engineer,
Water Resources Department,
Amaravathi Basin Section - 1,
Karur District.

4.The Tahsildar,
Office of the Tahsildar,
Karur Taluk,
Karur District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned eviction notice dated 11.09.2023 in Letter No. Ko-4/u.po-1/Karur/2023 passed by the third respondent and quash the same as illegal and consequently direct the respondents 2 and 3 to survey the property in Survey No. 152 at LNS Village, Thirukampuliyur, Karur District.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2. By the impugned communication, the third respondent informed the petitioner that it is proposed to remove the encroachment in Survey No.152, Thirukampuliyur Village. According to the respondents, it is a water channel. The petitioner's contention is that she had not put up any structure or construction in Survey No.152.

3. The learned Special Government Pleader appearing for the respondents pointed out that survey was conducted in the presence of the petitioner. The petitioner was put on notice. Survey sketch was prepared.



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Copy of the same has been produced for our perusal. The specific stand of the respondents is that construction put up by the petitioner is very much in Survey No.152 and it is this encroachment that is sought to be removed. Our attention is further drawn to the order dated 09.01.2023 dismissing W.P(MD)No.355 of 2023. The writ petition was filed by Ranjith Kumar who is none other than the son of the writ petitioner. Paragraphs 3 and 4 of the said order read as follows:

“3.Mr.K.Balasubramani, learned Special Government Pleader, who takes notice for the respondents, on instructions, submits that the property in Survey No. 154/5A, situated at L.N.S.Village, Karur Taluk, Karur District belongs to the petitioner, whereas the impugned eviction notice has been issued only in respect of Survey No. 152, which is classified as water body and encroached by the petitioner. He further submits that the respondents will not take any eviction proceedings in respect of Survey No. 154/5A.

4.In view of the above, we are of the view that the impugned eviction notice dated 14.12.2022, issued by the 3rd respondent does not warrant any interference. Therefore, this Writ Petition stands dismissed. It is for the respondents to take action for removal of the encroachment in the water body in question by following due process of law. No costs. Consequently, connected miscellaneous petition is closed.”



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In this view of the matter, no interference is warranted. This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
25.09.2023

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

To

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