



W.P(MD)No.23088 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.23088 of 2023
and
W.M.P(MD)No.19283 of 2023**

M/s.VSJ City Properties,
Represented by its partner
V.S.Amaradhan,
S/o.Shivakumar,
Beemanagar, Trichy.

... Petitioner

Vs.

- 1.The Chief Engineer,
Water Resources Development,
Public Works Department,
Trichy Zone, Trichy – 20.
- 2.The Executive Engineer,
River Conservation Division,
Public Works Department,
Trichy.
- 3.The Executive Engineer,
Water Resources Development,
Public Works Department,
Trichy.



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4. The Assistant Engineer,
Water Resources Development,
Public Works Department,
New Kattalai Mettu Vaikkal Division – I,
Trichy – 1.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order passed by the fourth respondent dated 04.09.2023 and quash the same as illegal.

For Petitioner : Mr.D.Boopal

For Respondents : Mr.M.Sidharthan
Additional Government Pleader

ORDER

Heard both sides.

2. The petitioner questions the impugned Form – III notice primarily on the ground that the enforcement of the same would result in demolition of the petition mentioned compound wall. The case of the petitioner is that while Survey Nos.27/3B K.Kallikudi Village and 15/2 in Thayanur Village are water bodies, he has not committed any encroachment thereon. The learned counsel would further state that the compound wall referred to in the impugned Form – III is not in Survey Nos.27/3B or 15/2.



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3. We are of the view that the issue can be resolved by directing the respondents to conduct survey after issuing proper notice to the petitioner herein. The jurisdictional Tahsildar will conduct survey after issuing proper notice to the petitioner herein. Survey sketch will also be prepared at the end of the exercise. The endeavor of the entire exercise is to locate where the compound wall has been put up. If it has been put up in Survey Nos.27/3B or 15/2, it will have to be demolished. If it is not put in the survey numbers referred to the impugned notice, the compound wall will be spared. In other words the impugned notice will abide by the outcome of the aforesaid survey.

4. This writ petition is disposed of accordingly. 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

1. The Chief Engineer,
Water Resources Development,
Public Works Department,
Trichy Zone, Trichy – 20.



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

- 2.The Executive Engineer,
River Conservation Division,
Public Works Department,
Trichy.
- 3.The Executive Engineer,
Water Resources Development,
Public Works Department,
Trichy.
- 4.The Assistant Engineer,
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New Kattalai Mettu Vaikkal Division – I,
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