



W.P(MD)No.24626 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.10.2023

CORAM

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

W.P(MD)No.24626 of 2023

and

W.M.P.(MD)Nos.20803, 20804, 20805 and 20806 of 2023

1.G.Rajagopal

2.R.Murugan

... Petitioners

Vs.

1.The Assistant Engineer,
Water Resource Organization,
Vaiparu Rivar Basis Division – I,
Sattur, Virudhuagar District.

2.The Tahsildar,
Sattur Taluk,
Virudhunagar District.

3.The Head Quarters Deputy Tahsildar,
O/o. Tahsildar, Sattur Taluk,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



W.P(MD)No.24626 of 2023

call for the records pertaining to the impugned proceedings of the 2nd respondent dated 19.05.2023 and the consequential notice issued by the 1st respondent dated 29.08.2023 and to quash the same as illegal and thereby direct the respondents to survey the petitioner's property lies in old survey number 34/3B in T.S.No.271 and S.No.34/6 in T.S.No.272 of Sattur Town, Virudhunagar District and also Survey Nos.128/1, 128/6, 21, 22/1 and 228 of Sattur Town are classified as Vaiparu River in accordance with law within a time limit that may be fixed by this Court.

For Petitioners : Mr.C.M.Arumugam

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard both sides.

2.A complaint was received from one Kalaiarasn that there is encroachment in Vaiparu River in S.Nos.128 and 128/6 in Sattur Town. The Tahsildar, Sattur issued proceedings dated 19.05.2023 directing the first respondent to cause its removal. Form – I was issued. It was followed by Form – II. At this stage, the petitioners have given their



W.P(MD)No.24626 of 2023

objections. The stand of the respondents is that survey notice was issued on 13.09.2023 and survey was conducted on 27.09.2023. However, survey sketch was not prepared or served on the petitioner. The learned Special Government Pleader produced photographs and we are satisfied that survey measurement was done on 27.09.2023. Since survey sketch and report were not prepared and served on the petitioner, we direct the second respondent to conduct a fresh survey on 20.10.2023 at 11.30 am. The petitioner will not receive any independent notice. The petitioner will pay a sum of Rs.5,000/- towards survey costs directly to the second respondent in the meanwhile. The petitioner or his son is directed to go to the office of the second respondent on 26.10.2023 at 11.30 am and collect the copy of the survey sketch and report. Based on the survey sketch and report, Form – III will be issued by the first respondent. The entire survey exercise will be duly videdographed and photographed and the petitioner will bear the cost of the same. The impugned order will abide by the outcome of the said exercise. If the petitioner is found to have committed encroachment on the river, it shall be removed immediately thereafter.



W.P(MD)No.24626 of 2023

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3.This writ petition is disposed of accordingly. No costs.

Consequently, connected miscellaneous petitions are closed.

(G.R.S.J.) & (B.P.J.)
12.10.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 16.10.2023.

To:-

- 1.The Assistant Engineer,
Water Resource Organization,
Vaiparu Rivar Basis Division – I,
Sattur, Virudhuagar District.
- 2.The Tahsildar,
Sattur Taluk,
Virudhunagar District.
- 3.The Head Quarters Deputy Tahsildar,
O/o. Tahsildar, Sattur Taluk,
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W.P(MD)No.24626 of 2023



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W.P(MD)No.24626 of 2023

**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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W.P(MD)No.24626 of 2023

**12.10.2023
(2/2)**