



W.P.No.30309 of 2024

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 09.10.2024**

**CORAM :**

**THE HON'BLE MR. JUSTICE P.B.BALAJI**

**AND**

**THE HON'BLE MR. JUSTICE G.ARUL MURUGAN**

**W.P.No.30309 of 2024**

**and W.M.P.Nos.32997 and 32998 of 2024**

- 1.Padmini
- 2.Andal
- 3.Nithya Priya
- 4.Chellapanki
- 5.Vijaya
- 6.Senthamarai
- 7.Balu
- 8.Murthiyammal
- 9.Sankar

.. Petitioners

-VS-

1. The District Collector,  
District Collectorate,  
Kallakurichi and District.
2. The Revenue Divisional Officer,  
The Revenue Divisional Office,  
Kallakurichi and District.
3. The Tahsildar,  
Chinnasalem Taluk,  
Kallakurichi District.



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4. The Assistant Executive Engineer,  
Water Resources Department,  
Kallakurichi and District.

5. The Assistant Engineer,  
Water Resources Department,  
Gomuki Dam, Vadakkanandal,  
Chinnasalem Taluk,  
Kallakurichi District.

6. G.Ayyavoo

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari to call for the records pertaining to the impugned Notice dated 31.07.2024 issued by the 5<sup>th</sup> respondent and quash the same.

|                 |                                                                  |
|-----------------|------------------------------------------------------------------|
| For Petitioners | : Mr.V.R.Kamalanathan                                            |
| For Respondents | : Mr.RU.Dinesh Rajkumar<br>Addl. Govt. Pleader<br>For R.1 to R.5 |

\* \* \* \* \*

### **ORDER**

(Order of the Court was made by **P.B.BALAJI, J.**)

Heard the learned counsel for the petitioner and learned Additional Government Pleader for respondents 1 to 5. By consent, the main writ petition itself is taken up for final disposal.



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2. The petitioners have filed the present writ petition seeking to quash the impugned notice dated 31.07.2024 issued by the fifth respondent.

3. The primordial contention of the petitioners is that have been assigned patta by the Government and they reside in Kamarajar Nagar Colony which is beyond the canal bund and according to the petitioners, they have not encroached on any waterbody. The further grievance of the petitioners is that Form-I notice has not been issued without a survey being conducted and the Form-III notice has also been issued. Also, notices have been issued in the names of dead persons.

4. We have heard the learned Government Advocate on the above submissions.

5. Considering the fact that the respondents have proceeded to issue the impugned notice without conducting a survey of the lands, the impugned notice is liable to be set aside.



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6. In view of the fact that there is a specific allegation made by the petitioners that they have been issued with patta and are residing in their patta lands and have not encroached into a waterbody, it would be just and proper that the Tahsildar, the third respondent, along with respondents 4 and 5 shall carry out an inspection/survey in the presence of the writ petitioners, of the lands in question and the petitioners shall cooperate with the officials for conducting the survey. The respondents shall inform the petitioners the date of inspection/survey well in advance. After conducting the survey, if the petitioners are found to have encroached onto the waterbody, the respondents shall be at liberty to take further action in accordance with law against the petitioners and also other encroachers, if any. The entire process shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. The learned Additional Government Pleader shall inform the officials, who are presently available at the site to take possession, to lay their hands off.



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8. With the aforesaid direction, the writ petition is disposed of.

Consequently, W.M.P.No.32998 of 2024 is closed. W.M.P.No.32997 of 2024 filed by the petitioners to file a single writ petition is allowed.

(P.B.B., J.) (G.A.M., J.)  
09.10.2024

Index : Yes/No  
NC : Yes/No

sr/sra

To

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P.B.Balaji, J.  
and  
G.Arul Murugan, J.

(sra)

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