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W.P.(MD)NO.407 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)Nos.407 to 409 of 2024 AND

W.M.P.(MD)Nos.435, 436, 440, 442, 446 & 447 of 2024

Ganesan	... Petitioner in W.P.(MD)NO.407 of 2024
Narayanan	... Petitioner in W.P.(MD)NO.408 of 2024
Lakshmi	... Petitioner in W.P.(MD)NO.409 of 2024

Vs.

1. The District Collector,
Pudukkottai.
2. The Revenue Divisional Officer,
Thirumayam Taluk,
Pudukkottai.
3. The Assistant Engineer,
Department of Water Resources,
Irrigation Division,
Thirumayam,
Pudukkottai District.

... Respondents
in all WPs.

Common Prayer: Writ petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the 3rd respondent in the impugned order dated 04.12.2023 and quash the same as illegal and arbitrary.



(in all WPs.)

For Petitioner : Mr.P.Ganapathi Subramanian

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate.

COMMON ORDER

Heard both sides.

2. The petitioners challenge the impugned Form-III notice primarily on the ground that survey was not conducted in the presence of the petitioners. We wanted to know the learned Government Advocate, if the survey notice was issued. The learned Government Advocate would respond that survey was conducted in the presence of the writ petitioners herein. If the petitioners do not cooperate with the authorities, the authorities cannot be blamed. But then, it is the duty of the authorities to issue individual survey notice to the respective encroachers. Copy of the survey notice has also not been produced before this Court.

3. On this sole ground, the impugned Form-III notices are set aside. These writ petitions stand allowed. Liberty is given to the



respondents to issue fresh survey notice to the petitioners and based on the outcome of the said exercise, further action will follow. We direct the respondents to complete the entire exercise within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

11th January 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PMU

To:

1. The District Collector,
Pudukkottai.
2. The Revenue Divisional Officer,
Thirumayam Taluk,
Pudukkottai.
3. The Assistant Engineer,
Department of Water Resources,
Irrigation Division,
Thirumayam, Pudukkottai District.



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