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W.P.(MD)NO.735 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.01.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.735 of 2024 AND

W.M.P.(MD)No.738 of 2024

J.Soma Sundarraaj

... Petitioner

Vs.

1. The Assistant Engineer,

Water Resource Department,

Chittar Pattanangal Division,

Karungal, Killiyoor Taluk,

Kanyakumari District.

2. The Inspector of Police,

Karungal police station,

Killiyoor, Kanyakumari District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned eviction order dated 27.12.2023 threatening forcible eviction with assistance of 2nd respondent from Survey No.541/23, Karungal village, Killiyoor taluk, Kanyakumari District, quash the same and consequently forbear the respondents herein or any one claiming on their behalf from in any



manner interfering with the petitioner's peaceful possession and enjoyment of Survey No.541/23, Karungal Village, Killiyoor taluk, Kanyakumari district, without establish their claim of water body or water channel.

For Petitioner : Mr.R.Russel Raj
For R-1 : Mr.K.Balasubramani,
Special Government Pleader.
For R-2 : Mr.A.Albert James,
Government Advocate.

* * *

ORDER

Heard both sides.

2. The petitioner challenges the impugned Form-III notice issued by the first respondent. We went through the contents of the Form-III notice. It is with special reference to survey No.541/23 in Karungal Village. We called upon the petitioner to produce a copy of patta or any other title document in respect of the survey number. Copies of the Pattas enclosed by the petitioner in the typed set of papers pertain to survey Nos.541/22 and 541/24C. Therefore, we are not able to interfere. If any channel had been formed in survey No.541/22, it is always open to



the petitioner to seek appropriate remedies in accordance with law.

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3. With this liberty to the petitioner, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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

11th January 2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

PMU

To:

1. The Assistant Engineer,
Water Resource Department,
Chittar Pattanangal Division,
Karungal, Killiyoor Taluk,
Kanyakumari District.
2. The Inspector of Police,
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