



W.P(MD)No.1289 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.02.2024

CORAM

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

**W.P(MD)No.1289 of 2024
and
W.M.P(MD)Nos.1322 & 1324 of 2024**

N.Prabakaran

... Petitioner

Vs.

- 1.The District Collector,
Madurai,
Madurai District.
- 2.The Tahsildar,
Madurai North Taluk,
Madurai District.
- 3.The Assistant Engineer,
Water Resources Department,
Irrigation Section No.2,
Periyar Vaigai Basin Sub-Division No.1,
Madurai – 2.

4.Ilayaraja

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the



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Impugned Eviction Notice dated 12.01.2024 in Letter No. / Ko 2/ U.Po.2 Madurai issued by the second respondent and quash the same as illegal and consequently directing the respondents 1 to 3 to survey the land in S.No. 59/1 in Anaiyur village, Madurai North Taluk, Madurai and fixation of boundary stones in between the said land in S.No. 59/1 and petitioner's land in S.No. 58/4A1A1 in the said village based on the petitioner's representation dated 17.01.2024.

For Petitioner : Mr.S.Saravana Kumar

For Respondents : Mr.K.Balasubramani
Special Government Pleader
for R.1 to R.3

ORDER

Heard both sides.

2.The petitioner challenges the proposed move of the authorities to clear the encroachments in the Survey No.59/1, Anaiyur. It is beyond dispute that Survey No.59/1 has been classified as “water body”. The petitioner obviously cannot claim any right thereon. We however make it clear that the action for removal of encroachment should be confined to Survey No.59/1 alone. It is also seen that survey was already conducted on 31.01.2024. The petitioner was very much present. We are of the view that no interference is warranted.



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3.This writ petition stands dismissed. There shall be no order as to

costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
27.02.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

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Madurai District.

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