



WEB COPY



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W.P.(MD)NO.2534 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.2534 of 2024 AND
W.M.P.(MD)Nos.2531 & 2532 of 2024

Chinnaiya

... Petitioner

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

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

For Petitioner : Mr.P.Ganapathi Subramanian

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

* * *

ORDER

Heard both sides.



2. The petitioner challenges the impugned Form-III notice primarily on the ground that survey was not conducted in the presence of the petitioner. We wanted to know from 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 petitioner herein. If the petitioner did 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 notice is set aside. This writ petition stands allowed. Liberty is given to the respondents to issue fresh survey notice to the petitioner 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.)
12th February 2024

NCC : Yes / No
Index : Yes / No



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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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AND

B.PUGALENDHI, J.

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