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W.P.(MD)NO.2831 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.2831 of 2024 AND
W.M.P.(MD)Nos.2829 & 2831 of 2024

K.Venkatesan

... Petitioner

Vs.

1. The District Collector,
Trichy District.

2. The Tahsildar,
Lalgudi Taluk, Lalgudi,
Trichy District.

3. The Assistant Engineer,
Water Resource Department,
R.C.Division, Lalgudi Taluk,
Trichy District.

4. The Village Administrative Officer,
Jengamarajapuram, Lalgudi,
Anbil, Trichy District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for records pertaining to impugned order passed by 3rd respondent dated 14.09.2023 in Form No.III under Rule 6(1) of Tamil Nadu Protection of Tanks and Eviction of Encroachment Rules 2007 and its consequential order dated



03.02.2024 issued by the 3rd respondent in Ka. No.Ko.3/2024/VuPo(La),
and quash the same as illegal.

For Petitioner : M/s.A.Aruljenifer
For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard both sides.

2. The petitioner challenges the impugned Form-III notice. In fact the very issuance of the notice is pursuant to the earlier order passed by this Court in W.P.(MD)No.16785 of 2023 dated 20.09.2023.

3. We repeatedly called upon the petitioner's counsel to satisfy us that survey No.96/2 belongs to the petitioner. The petitioner has fairly enclosed the order of the extract from “A” register for Jengamarajapuram Village. It is seen therefrom that survey No.96/2 has been classified as “Kalamum Vaikalum”. Such a land cannot belong to any individual. We are satisfied that notice for removal of encroachment has been rightly issued. In fact the authorities have not taken any peremptory action. Form-III notice was issued and survey has also been conducted. No case for interference has been made out. This writ petition stands dismissed.



No costs. Consequently, connected miscellaneous petitions are closed.

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(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
12th February 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

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