



W.P(MD)No.11781 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 13.06.2024

CORAM

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

W.P(MD)No.11781 of 2024
and
W.M.P.(MD)No.10519 of 2024

A.Jeyaraj @ Nandhagopal

... Petitioner

Vs.

1.The District Collector / Monitoring Committee,
Thanjavur District, Thanjavur.

2.The Assistant Executive Engineer,
Water Resources Department (PWD),
Cauvery Section, Kumbakonam,
Thanjavur District.

3.The Assistant Engineer,
Water Resources Department (PWD),
Cauvery Section, Kumbakonam,
Thanjavur District.

4.Rathna Mala

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to



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call for the records pertaining to the impugned notice dated 22.04.2024 issued by the 3rd respondent and quash the same as illegal and arbitrary and consequently directing the 1 to 3rd respondents herein do not interfere with the petitioner's peaceful possession and enjoyment of the property with regard to Survey No.97/7 (New Survey No.160/29) to an extent of 13x110 feet situated at 27 Ullur Village, Kumbakonam Taluk, Thanjavur District.

For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.K.S.Selvaganesan,
Addl. Government Pleader for R1 to R3.

ORDER

Heard the learned counsel for the writ petitioner and the learned Additional Government Pleader for the official respondents.

2.The third respondent proposes to remove the encroachment in S.No.95, Ullur village, Kumbakonam Taluk. Admittedly, S.No.95 is a water body. The petitioner has patta only in respect of old S.No.97. Therefore, the impugned notice proposing removal of encroachments in S.No.95 cannot be found fault with. We make it clear that the removal of



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encroachments shall be confined to S.No.95 alone. If the authorities interfere with the petitioner's possession of his patta property, it is always open to the petitioner to move this Court again for appropriate relief.

3.The impugned notice is sustained and the writ petition is dismissed with the aforesaid observations. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.S.J.) & (B.P.J.)
13.06.2024**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:-

- 1.The District Collector / Monitoring Committee,
Thanjavur District, Thanjavur.
- 2.The Assistant Executive Engineer,
Water Resources Department (PWD),
Cauvery Section, Kumbakonam,
Thanjavur District.
- 3.The Assistant Engineer,
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Cauvery Section, Kumbakonam,
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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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