



W.P(MD)Nos.12167 and 12168 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)Nos.12167 and 12168 of 2024
and
W.M.P.(MD)Nos.10792 and 10794 of 2024

Lakshmanan	... Petitioner in W.P.(MD)No.12167 of 2024
Lakshmi	... Petitioner in W.P.(MD)No.12168 of 2024

Vs.

The Assistant Engineer (W.R.D), Vaigai Section, Madurai, Periar Vaigai Basin Sub-Division No.2, Madurai District.	... Respondent in both W.Ps.
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Common Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records of the respondent dated 27.05.2024 quash the same, as the same is arbitrary, ultravires, in violation of principles of natural justice, contrary to the Tamil Nadu Land Encroachment Act, 1905.



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For Petitioner : Mr.R.G.Shankar Ganesh

For Respondent : Mr.K.Balasubramani,
Spl. Govt. Pleader.

COMMON ORDER

The petitioners herein are husband and wife. The assignment order was passed in favour of the husband / Lakshmanan in the year 1994 assigning site measuring 7 feet breadth X 5.2 feet length in S.No.6/21 at Pudhukulam village, Madurai South Taluk. The impugned eviction notice issued in Form – III is in respect of S.No.5. Admittedly, the petitioner is not having any patta in respect of S.No.5. Therefore, no exception can be taken to the action of the respondent in clearing the encroachments in S.No.5. If the authorities take action against the petitioner's assigned property, then the petitioner will have cause of action and otherwise.



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2. With this aforesaid observation and clarification, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Assistant Engineer (W.R.D),
Vaigai Section, Madurai,
Periar Vaigai Basin Sub-Division No.2,
Madurai District.



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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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