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W.P.(MD)NO.22042 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.22042 of 2024 AND

W.M.P.(MD)No.18672 of 2024

P.Muthumayan

... Petitioner

Vs.

1. The District Collector,
Theni District.

2. The Tahsildar(Monitoring Committee),
Uthamapalayam Taluk,
Theni District.

3. The Taluk Surveyor,
Uthamapalayam Taluk,
Theni District.

4. The Assistant Engineer,
Water Resource Organization / P.W.D.,
Uthamapalayam Taluk,
Theni District.

5. K.Pitch raj

6. P.Ramkumar

... 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 relating to Form-III notice dated 20.08.2024 issued by the fourth respondent and quash the same as it is arbitrary and illegal.



For Petitioner : Mr.R.Suriya Narayanan
For R-1 to R-4 : Mr.G.V.Vairam Santhosh,
Additional Government Pleader.

* * *

ORDER

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

2. Issuance of notice to the private respondents is dispensed with.

3. The petitioner challenges Form-III notice dated 20.08.2024 calling upon the petitioner to remove the encroachments in survey No.2454 of Kamayagoundanpatti Village, Uthamapalayam Taluk.

4. We wanted to know from the petitioner's counsel, if the petitioner has any claim over the said survey number. The petitioner's counsel confirmed that survey No.2454 has been classified as river poramboke and that the petitioner has no claim thereon. The petitioner's only grievance appears to be without conducting any survey, the authorities may infringe upon his right over the patta land.



5. Taking into account the submissions made by the learned counsel for the petitioner, we direct the official respondents to clear the encroachments in survey No.2454 alone without touching the petitioner's patta lands. This writ petition stands dismissed with the aforesaid direction. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
19th September 2024

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

To:

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Theni District.
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Theni District.
3. The Taluk Surveyor,
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Water Resource Organization / P.W.D.,
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