



WEB COPY

W.P.No.9026 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE M. SUNDAR

AND

THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

W.P.No.9026 of 2023

and

W.M.P. No.9155 of 2023 (Stay Petition)

W.M.P. No.12423 of 2023 (Implead Petition)

M.Thangamuthu

Petitioner

vs.

1. The Executive Engineer
Water and Resource Department
Amaravathi Vadi Nila Pirivu-4
Dharapuram Taluk
Tiruppur District – 638 656

2. The Junior Engineer
Water and Resource Department
Amaravathi Vadi Nila Pirivu-4
Thalavaipattinam
Dharapuram Taluk
Tiruppur District – 638 672

Respondents

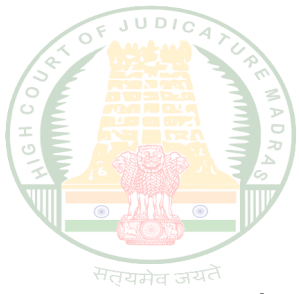
Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari calling for the records relating to the notice issued under Section 7 of Tamil Nadu Act III of 1905 dated 16.03.2023 on the file of the 2nd respondent and quash the same.

For petitioner

Ms. G. Roshini
for Mr. S. Doraisamy

For respondents

Mr. T.K. Saravanan
Additional Government Pleader



ORDER
(made by M. SUNDAR, J.)

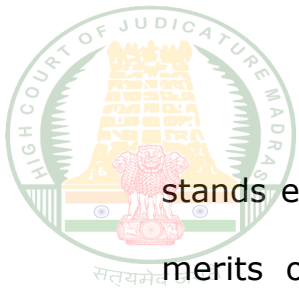
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'A notice dated 16.03.2023 issued by R2 (Junior Engineer, Water Resource Department)' [hereinafter 'impugned notice' for the sake of convenience and clarity] under Section 7 of 'The Tamil Nadu Land Encroachment Act, 1905 (Tamil Nadu Act III of 1905)' [hereinafter 'said 1905 Act' for the sake of brevity] is assailed in the captioned main 'writ petition' [hereinafter 'WP' for the sake of brevity].

2. Ms. G. Roshini, learned counsel representing Mr. S. Doraisamy, learned counsel on record for writ petitioner and Mr. T.K. Saravanan, learned Additional Government Pleader appearing for respondents, are before us.

3. When the captioned main WP was taken up for hearing, learned State counsel very fairly submitted that there will be a roll back of the impugned notice as it has been issued by an authority without jurisdiction. In this view of the matter, learned State counsel sought leave of this Court to preserve all the rights and contentions of competent authority to issue a notice afresh. This request is acceded to.

4. Recording the stated position of the learned State counsel, captioned main WP stands disposed of by writing that the impugned notice



stands effaced (set aside) without expression of any view or opinion on the merits of the matter, albeit with preservation of rights of State in the aforesaid manner. Consequently, captioned writ miscellaneous petitions seeking stay and impleadment stand closed. There shall be no order as to costs.

**(M.S., J.) (H.C., J.)
07.07.2025**

cad

Index : Yes/No

NC : Yes/No



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M. SUNDAR, J.

and

HEMANT CHANDANGOUDAR, J.

cad

To

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