



W.P.(MD)No.5908 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.12.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5908 of 2022
and
W.M.P.(MD)No.4646 of 2022

M.Mahesh

... Petitioner

Vs.

The Assistant Engineer,
PWD/WRO, Irrigation Section,
Shenkottai
Tenkasi.

... Respondent

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order of the respondent dated 11.03.2022 and quash the same.

For Petitioner :Mr.H.Arumugam

For Respondent :Mr.S.Vinodh
Government Advocate



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ORDER

Heard both sides.

2. The petitioner challenges the Form III notice issued under the Tamil Nadu Protection of Tanks & Eviction of Encroachment Act.

3. Though Form II notice was also issued, we are satisfied that service was not properly effected. Survey was not conducted in the presence of the writ petitioner. In this view of the matter, the impugned Form III is quashed. The respondent is not only given liberty but also direction to resume the process of removal of encroachment from the stage where the defect crept in. In other words, fresh notice for survey has to be issued to the petitioner. That will be followed by Form II as well as Form III notice. The entire exercise will be completed within a period of four months from the date of receipt of a copy of this order.

4. The Writ Petition is allowed accordingly. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [B.P., J.]
11.12.2025

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