



WP(MD)No.23156 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2025

CORAM

**THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HON'BLE MR.JUSTICE B.PUGALENDHI**

**WP(MD)No.23156 of 2025
and
WMP(MD)No.18200 of 2025**

N.Muthammal W/o.Nachimuthu

... Petitioner

Vs.

1. The Executive Engineer, Water Resource,
Nangaji River, Route Map,
Palaru Porunthalaru Illam,
Palani Taluk, Dindigul District.
2. The Assistant Executive Engineer,
Water Resource Department,
Water Resource Department Office,
Palani Taluk, Dindigul District.
3. The Assistant Engineer, Water Resource Department,
Kuthiraiyaru Dam Division,
Kuthiraiyaru Dam, Dindigul District.
4. The Tahsildar, Palani Taluk,
Dindigul District.

5. Kavitha W/o.Rangasamy

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed



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by the 3rd respondent vide his proceeding Nil, dated 28.07.2025 and quash the same and consequently direct the respondents 1 to 4 to conduct resurvey in Survey No.7/1A1 within a time frame.

For Petitioner : Mr.Belco S.Meltiue

For Respondents : Mr.C.Venkateshkumar,
Special Government Pleader for R1 to R4

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for R1 to R4. Issuance of notice to R5 is dispensed with.

2.The petitioner is a senior citizen. The impugned Form II notice has been issued to clear the encroachments committed by her in the petition mentioned survey number.

3.When the matter was taken up for hearing, it was fairly conceded that Survey No.7/1A1 is a water body and that the petitioner has committed encroachments. The learned counsel for the petitioner submitted that the petitioner is ready to remove the same. This submission is recorded. The petitioner however apprehends that in the guise of clearing encroachments, the authorities may interfere with her possession over the patta lands.



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4.We permit the petitioner to submit an application for conducting survey to the fourth respondent. Necessary survey fees to be paid by her. The fourth respondent is directed to conduct a proper survey and install survey stones in respect of the petitioner's patta land. It is needless to mention that the respondents cannot interfere with the petitioner's own land. The writ petitioner undertakes before this Court that she will give an affidavit of undertaking stating that she will not oppose the action of the respondents for removing the encroachments committed by her. Since the planting of trees in the petition mentioned survey number is illegal, the department is directed to appropriate the felled trees.

5.This writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

[G.R.S., J.] & [B.P., J.]
28.08.2025

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



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