



W.P.(MD)No.22594 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.08.2025

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

W.P(MD)No.22594 of 2025
&
W.M.P.(MD)Nos.17711 & 17713 of 2025

P.Alaguraja

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Assistant Engineer (I/c.),
Water Resource Department,
Irrigation Division,
Uthamapalayam,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned order issued by the 2nd respondent dated 23.07.2025 and quash the same as unconstitutional and arbitrary.

For Petitioner :Mr.K.Kevinkaran

For Respondents :Mr.C.Venkateshkumar
Special Government Pleader



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ORDER

Heard both sides.

2. The petitioner alleges that without conducting survey in their presence, the impugned eviction notice and Form-III has been issued by the second respondent.

3. Considering the said submission, we direct the second respondent to issue fresh notice to the petitioner for the purpose of conducting survey alone. If as a result of the survey, it is seen that there is an encroachment on the water body, the offending construction has to be necessarily removed. We do not quash the impugned Form III notice. It will abide by the outcome of the survey exercise. The Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
21.08.2025

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

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