



W.P(MD)No.2727 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2727 of 2015

and

M.P.(MD)No.1 of 2015

Chellapandi

... Petitioner

Vs.

1.The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.

2.The Panchayat,
V.Nangoor Village Panchayat,
Kariapatti Panchayat Union,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd respondent dated Nil and quash the same as illegal unconstitutional and consequently forber the 2nd respondent not to interfere with the petitioners possession and enjoymentof the House lyingover the Sf. No. 179/1B, V. Nangoor Village, Kariapatti Taluk, Virudhunagar District, without following due process of law.



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For Petitioner : Mr.S.Balamurugan

For Respondents : Mr.D.Gandhiraj
Special Government Pleader for R1
: No appearance for R2

ORDER

Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the first respondent. None appears for the second respondent, even though he has been served.

2. The second respondent issued the impugned order calling upon the petitioner to remove the petition mentioned construction. According to the second respondent, the petitioner has put up construction on a poromboke land handed over to the local body. The petitioner has enclosed in the typed set of papers the assignment order passed by the first respondent handing over the petition mentioned land in favour of the petitioner. Once assignment has been made, unless it is cancelled in the manner known to law, the right of the assignee has to be respected. The second respondent has no jurisdiction to interfere with the petitioner's rights and enjoyment in respect of the land that is covered by an order of assignment.



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3. The order impugned in the writ petition is set aside. The Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.08.2023

Index : Yes / No
Internet : Yes/ No
rmi

To

The Tahsildar,
Kariapatti Taluk,
Virudhunagar District.



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G.R.SWAMINATHAN, J.

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