



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.12.2015

CORAM :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN

and

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition (MD) No.22956 of 2015

and

M.P(MD)No.1 of 2015

Rajendran

... Petitioner

Vs.

The Tahsildar,
Peraiyur, Madurai District.

... Respondent

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the proceedings of the respondent made in Na.Ka.No.17883 of 2015/21, dated 04.12.2015 and quash the same.

For Petitioner : Mr.K.Gokul

For Respondent : Mr.M.Alagadevan,
Special Government Pleader.

ORDER

(Order of the Court was made by **V.RAMASUBRAMANIAN, J.**)

The petitioner has come up with the above writ petition challenging a notice of removal of encroachment.

2.Heard Mr.K.Gokul learned counsel for the petitioner. Mr.M.Alagadevan, learned Special Government Pleader takes notice for the respondent.

3.The encroachment from which the petitioner is sought to be removed is a water body. Therefore, the action taken by the respondent cannot be interfered with.

4.The petitioner claims to have filed a civil suit in O.S.No.211 of 2013 on the file of the District Munsif Court, Peraiyur. We do not know how the suit is maintainable in law. The suit is against the State of Tamil Nadu. Admittedly, the petitioner is not the owner of the property and the property is not a private property. In the plaint, the petitioner has claimed possessory rights. But those possessory rights have no validity in the eye of law. Therefore, the writ petition is dismissed. No costs. Consequently, M.P.(MD)No.1 of 2015 is closed.

Sd/-

Assistant Registrar

<https://hcservices.ecourts.gov.in/hcservices/>

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.



To

The Tahsildar,
Peraiyur,
Madurai District.

+1cc to Special Government Pleader in SR.No. 76062

TS/18.01.2016/2P-3C/AAL-MPA

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

21.12.2015