



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2016

CORAM:

THE HONOURABLE MR.JUSTICE S.MANIKUMAR
and
THE HONOURABLE MR. JUSTICE C.T.SELVAM

W.P. (MD) No.6503 of 2016
and
WMP (MD) No.5659 of 2016

A.RADHA

... PETITIONER

Vs.

1. THE DISTRICT COLLECTOR,
SIVAGANGAI DISTRICT, SIVAGANGAI.
2. THE REVENUE DIVISIONAL OFFICER,
SIVAGANGAI, SIVAGANGAI DISTRICT.
3. THE TAHSILDAR,
SIVAGANGAI TALUK OFFICE,
SIVAGANGAI.
4. THE PRESIDENT,
KANCHIRANGAL VILLAGE PANCHAYAT,
SIVAGANGAI TALUK,
SIVAGANGAI DISTRICT.

.. RESPONDENTS

PRAYER: The Writ Petitions is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus to forbear the respondents from demolishing the house of the petitioner situated in Old Survey No.157/1C, New Natham Survey No.157/17, Plot No.17, Arisinipatty, Kachiranagal Village, Sivagangai Taluk, Sivagangai District except due process of law and consequently to direct the respondents not to initiate any coercive steps for demolishing the above house of petitioner.

For petitioner : Mr.S.MP.Amalan

For Respondents : Mr.M.Alagadevan

Special Government Pleader

ORDER

(Order of this Court was made by C.T.SELVAM, J.)

In the face of notice under Section 3 of the Tamil Nadu Encroachment Act, 1905, issued by the Tahsildar, Sivagangai Taluk, Sivagangai District, affording an opportunity to the petitioner to explain why she should not be required to remove the encroachment put up by her, petitioner has moved the present writ petition to forbear the respondents from demolishing her house, situate in Old Survey No.157/1C,



New Natham Survey No.157/17, Plot No.17, Arisinipatty, Kachiranagal Village, Sivagangai Taluk, Sivagangai District, except through due process of law and consequently direct respondents not to initiate any coercive steps towards demolishing the same.

2.It is the contention of learned counsel for petitioner that petitioner has caused a reply, dated 29.03.2016 and moved a suit for permanent injunction against respondents. Learned counsel submitted that there is an apprehension that respondents will remove the superstructure put up by petitioner in violation of procedure as by law prescribed.

3.A writ cannot be issued on the basis of presumptions, where authorities have acted in keeping with a statute the presumption would be that they would continue to do so.

4.The writ petition is not maintainable and accordingly, the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

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SIVAGANGAI TALUK,
SIVAGANGAI DISTRICT.

+ 1 CC TO MR.M.S.JEYA KARTHIK, ADVOCATE IN SR NO. 19459
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR NO. 18940

RJ2

TE/AN-MP/ : 13/04/2016 : 2P/7C

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