



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P. (MD) No.11774 of 2017

and

W.M.P. (MD) No.9070 of 2017

Arulmigu Mela Kingilinnatha Swami Temple
Represented by its administrative
Member. Mr.R.Ganapathy
S/o.U.Ramasamy Pillai
Chinthamani Road
Anupnadi, Madurai District

... Petitioner

-vs-

1. The District Collector
Madurai District, Madurai
2. The Revenue Inspector
Avaniyapuram
Madurai South Taluk, Madurai
3. The Tahsildar
South Taluk, Madurai District
4. The Inspector of Police
Avaniyapuram Police Station
Madurai District
5. M.P.Murugaiyan
The Tahsildar
South Taluk, Madurai District

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 1st respondent to consider petitioner's representation dated 13.06.2017.

For Petitioner : Mr.G.Ganesh
For Respondents : Mr.M.Govindan
Special Government Pleader

O R D E R

(Order of the Court by T.S.SIVAGNANAM, J.,)

Heard Mr.G.Ganesan, learned counsel appearing for the
<https://hcservices.ecourts.gov.in/hcservices/> petitioner and Mr.M.Govindan, learned Special Government Pleader
appearing for the respondents.



2. The petitioner is before this Court for a second time. Earlier, they had filed W.P.(MD) No.8164 of 2017, seeking to set aside the notice issued under Section 7 of Tamil Nadu Land Encroachment Act, 1905, dated 07.02.2017. By our earlier order, dated 27.04.2017, we declined to quash the notice, but directed the third respondent to consider the reply sent by the petitioner, afford an opportunity of personal hearing and pass appropriate orders and till such orders are to be passed, *status quo* prevailing as on 27.04.2017 was directed to be maintained.

3. Pursuant to the order passed by this Court, an enquiry appears to have been conducted and an order has been passed on 15.05.2017 by the third respondent. The said order is an appealable order and therefore, if the petitioner is aggrieved, he has to file an appeal. However, it appears that till date, no appeal has been filed, but the petitioner has sent only a representation to the first respondent. Representation cannot be considered as an appeal petition in the eye of law.

4. The grievance of the petitioner in this writ petition is that there has been violation of the order of *status quo*. For such reason, we cannot entertain a second writ petition, especially after an order has been passed on 15.05.2017. Thus, we are of the view that no relief can be granted in this writ petition and the writ petition is liable to be dismissed.

5. In the result, the writ petition fails and it is dismissed. However, dismissal of this writ petition will not stand in the way of the petitioner in pursuing their remedy available under law as against the order, dated 15.05.2017, passed by the third respondent. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
Madurai District,
Madurai.

2. The Revenue Inspector,
Avaniyapuram,
Madurai South Taluk,
Madurai.



3. The Tahsildar,
South Taluk, Madurai District.

4. The Inspector of Police,
Avaniyapuram Police Station,
Madurai District.

+1cc to Mr.C.Jawahar Ravindran, Advocate Sr.No.62290
+1cc to Spl.Government Pleader Sr.No.62684

IA/KRK

VB/MR/KKR/SAR4/06.07.2017/3P/7C

**W.P. (MD) No.11774 of 2017
and
W.M.P. (MD) No.9070 of 2017
27.06.2017**