



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 28.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.5399 and 5400 of 2017
and
W.M.P (MD) Nos.4333 to 4336 of 2017

Veeranan

.. Petitioner in
W.P (MD) No.5399 of 2017

Susila

.. Petitioner in
W.P (MD) No.5400 of 2017

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Peraiyur Taluk Office,
Peraiyur, Madurai District.

3.The Block Development Officer,
Block Development Office,
Sedapatty, Madurai District.

.. Respondents
in all W.Ps.

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the impugned order in Na.Ka.A4/17228/2015 dated 21.03.2017 passed by the second respondent herein and quash the same respectively.

For Petitioner
in both W.Ps.

: Mr.S.Muniyandi

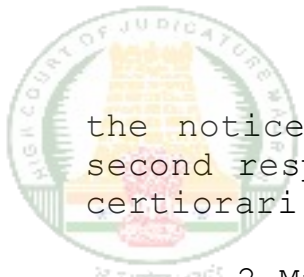
For Respondents
in both W.Ps.

: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

COMMON ORDER

[Common Order of the Court was made by A.SELVAM, J.]

<https://hcservices.ecourts.gov.in/hcservices/>
These writ petitions have been filed under Article 226 of the Constitution of India praying to call for records relating to



the notice dated 21.03.2017 passed in Na.Ka.A4/17228/2015 by the second respondent and quash the same, by way of issuing a writ of certiorari.

2.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, has taken notice for the respondents.

3.The learned counsel appearing for the petitioners has contended to the effect that the petitioner found in W.P(MD) No.5399 of 2017 is having a patta land in Survey No.86/8, wherein he constructed a house and likewise the petitioner in W.P(MD) No.5400 of 2017 is having her patta land in Survey No.86/9, wherein she put up a dwelling house and the second respondent under the guise of removing encroachment in Survey No.90/2, has attempted to demolish the buildings which situate in Survey Nos.86/8 and 9 and under the said circumstances, these writ petitions have been filed.

4.The learned Additional Government Pleader appearing for the respondents has contended to the effect that Survey No.90/2 has been classified as a cart track wherein certain encroachments are in existence and only in respect of encroached portions, proper notices have been issued as contemplated under law and in fact no attempt has been made on the part of the second respondent to demolish the buildings situate in Survey Nos.86/8 and 9 and the present petitioners have unnecessarily filed these writ petitions.

5.It is an admitted fact that Survey No.90/2 has been classified as a cart track. In fact the impugned notices have been issued only in respect of Survey No.90/2. Since the impugned notices have been issued only in respect of Survey No.90/2 and since no attempt has been made by the second respondent to demolish the buildings which situate in Survey No.86/8 and 9, this Court is of the view that these writ petitions are totally unnecessary and therefore both the writ petitions deserve to be dismissed.

6.In fine, these writ petitions are dismissed without costs. However in the interest of justice, the second respondent is directed to remove the encroachments made only in Survey No.90/2. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar(Records)

/True Copy/



To

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Peraiyur Taluk Office,
Peraiyur, Madurai District.

3.The Block Development Officer,
Block Development Office,
Sedapatty, Madurai District.

+2ccs to Mr.S.Muniyandi, Advocate, SR.Nos.18327 and 18328

+2ccs to The Special Government Pleader, SR.Nos.18923 and 18905

smn

RL/8C/3P/MR/SAR2/10.4.2017

COMMON ORDER MADE IN
W.P(MD)No.5399 and 5400 of 2017
and
W.M.P(MD)Nos.4333 to 4336 of 2017
28.03.2017