



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **N.AUTHINATHAN**

W.P(MD)No.8404 of 2017

and

W.M.P(MD)No.6404 of 2017

- 1.Murugan
- 2.Paribalan
- 3.Uthayan @ Suriyan
- 4.Ananthavalli

.. Petitioners

Vs.

1. The District Collector,
Theni District, Theni.
2. The Commissioner,
K.Myladumpaaraai Panchayat Union,
K.Myladumpaaraai, Kadamalaikundu via,
Theni District.
3. The Revenue Divisional Officer,
Periyakulam, Theni District.
4. The Tahsildar,
Andipatti, Theni District.
5. The Block Development Officer (Village Panchayat),
K.Myladumpaaraai, Kadamalaikundu via,
Theni District.

.. Respondents

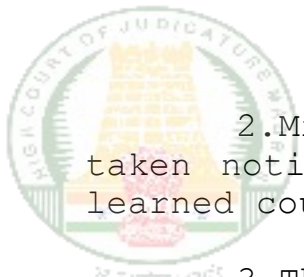
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the impugned order dated 12.04.2017, passed by the second respondent made in Na.Ka.No.2863/2016/A4 and subsequently quash the same as illegal and erroneous forthwith.

For Petitioner	: Mr.S.Palani Velayutham
For Respondents 1, 3 & 4	: Mr.K.Guru
	Additional Government Pleader.
For Respondents 2 & 5	: Mr.M.Rajarajan

ORDER

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

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the impugned notice dated 12.04.2017 passed by the second respondent in Na.Ka.No.2863/2016/A4 and quash the same, by way of issuing a writ of certiorari.



2.Mr.K.Guru, learned Additional Government Pleader, has taken notice for the respondents 1, 3 and 4 and Mr.M.Rajarajan, learned counsel, has taken notice for the respondents 2 and 5.

3.The learned counsel appearing for the petitioner has repeatedly contended to the effect that prior to issuance of notice dated 12.04.2017, no proper notice has been issued to the petitioners and further in the notices issued already wrong survey numbers have been given and under the said circumstances the impugned notice dated 12.04.2017 is not under law and therefore the present writ petition has been filed for getting the relief sought therein.

4.The learned Additional Government Pleader appearing for the respondents 1, 3 and 4 has contended to the effect that prior to issuance of notice dated 12.04.2017, two notices dated 04.01.2017 and 30.01.2017 have been issued and even after receipt of the same, the petitioners have not removed the alleged encroachments and further the petitioners have made such encroachments in a water tank and ultimately the impugned notice has been issued on 12.04.2017, wherein also sufficient time has been given and therefore the present writ petition is liable to be dismissed.

5.It is seen from the records that on 04.01.2017 and 30.01.2017 two notices have been issued to the petitioners and even after receipt of the same they have not raised any objection with regard to mentioning of wrong survey numbers nor removed the alleged encroachments and ultimately on 12.04.2017, the impugned notice has been issued, wherein also sufficient time has been given to all the petitioners.

6.Considering the fact that the petitioners have made encroachments in a water tank and also considering that sufficient opportunity has been given to them, this Court is of the view that the relief sought in the writ petition cannot be granted.

7.In fine, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar



To

1. The District Collector,
Theni District, Theni.
2. The Commissioner,
K.Myladumpaaraai Panchayat Union,
K.Myladumpaaraai, Kadamalaikundu via,
Theni District.
3. The Revenue Divisional Officer,
Periyakulam, Theni District.
4. The Tahsildar,
Andipatti, Theni District.
5. The Block Development Officer (Village Panchayat),
K.Myladumpaaraai, Kadamalaikundu via,
Theni District.

+1cc to M/S.S.Palani Velayutham, Advocate SR.No.54949
+1cc to Special Government Pleader, SR.No.55419

ORDER MADE IN
W.P (MD) No.8404 of 2017
and
W.M.P (MD) No.6404 of 2017
28.04.2017

JM/SV/08.05.2017/3P/8C