

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM :

THE HON'BLE MRS.V.K.TAHILRAMANI, CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. No.32214 of 2018

and

W.M.P.Nos.37453 & 37454 of 2018

1.S.L.Palanisamy

2.S.L.Subramani

.. Petitioners

Vs.

1.The District Collector,
O/o District Collectorate Erode,
Erode.

2.The Block Development Officer,
O/o Block Development Officer Bhavani,
Bhavani, Erode.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of certiorari calling for the records leading to the passing of the impugned order passed by the 2nd respondent dated 21.08.2018 in Na.Ka.No.3493 of 2018/aa 2 and quash the same.

For Petitioners : Mr.V.Balamurugane

For Respondents : Mr.V.Jayaprakash Narayanan,
Government Pleader (i/c)

सत्यमेव जयते
O R D E R

(Order of the Court made by M.DURAI SWAMY, J.)

The petitioners have filed the above Writ Petition to issue a Writ of certiorari calling for the records leading to the passing of the impugned order passed by the 2nd respondent dated 21.08.2018 in Na.Ka.No.3493 of 2018/aa 2 and quash the same.

2.On a perusal of the materials available on record, it could be seen that the petitioners have encroached the land in Survey No.505/2 in Periyapuliur Village, Bhavani Taluk, Erode District and agreed to remove the encroachment on his own, provided, he is allotted a land in Survey No.505/1.

3.In the impugned order the 2nd respondent had rejected the request made by the petitioners stating that the land in Survey No.505/1 was already given to Panchayat for laying a road and therefore, the petitioners cannot claim the said land. Since the 2nd respondent has specifically stated that a road has been laid in Survey No.505/1, the said land cannot be assigned in favour of the petitioners. When the petitioners have encroached the water body in Survey No.505/2, the 2nd respondent has rightly rejected the request of the petitioners.

4.In these circumstances, we find no reason to interfere with the order passed by the 2nd respondent. The Writ Petition is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

va

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The District Collector,
O/o District Collectorate Erode,
Erode.

2.The Block Development Officer,
O/o Block Development Officer Bhavani,
Bhavani, Erode.

+1cc to Mr.Muthukumarasamy, Advocate, S.R.No.84825

+1cc to the Government Pleader, S.R.No.84410

W.P. No.32214 of 2018
and

W.M.P.Nos.37453 & 37454 of 2018

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