



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P (MD) No.12932 of 2018

and

W.M.P (MD) No.11823 of 2018

R.Paulraj

... Petitioner

Vs.

The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent made in Na.Ka.No.A4/28157/2017, dated 01.06.2018 and quash the same.

For Petitioner	: Mr.V.Sasikumar
For Respondent	: Mr.R.Murugan, Additional Government Pleader.

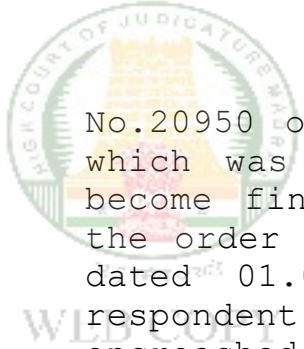
ORDER

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

The petitioner has filed the above writ petition to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the respondent, dated 01.06.2018 and to quash the same.

2.Mr.R.Murugan, learned Additional Government Pleader takes notice for the respondents.

3.By order, dated 14.11.2017, the Division Bench of this Court in W.P(MD)No.20950 of 2017, while setting aside the order, dated 07.10.2017, directed the authorities to decide the matter afresh, after giving an opportunity of hearing to the petitioner. Thereafter, the respondent gave notice to the petitioner and after giving sufficient opportunity of hearing to the petitioner, passed an order of eviction on 12.02.2018. Admittedly, the petitioner has not challenged the order, dated 12.02.2018 passed by the respondent. Thereafter, the respondent issued a notice, dated 01.06.2018 calling upon the petitioner to vacate the encroached land within 15 days time. The petitioner has challenged only the notice, dated 01.06.2018. When the respondent had complied with the directions of the Division Bench of this Court made in W.P(MD)



No.20950 of 2017 and decided the matter in accordance with law, which was also not challenged by the petitioner, the same has become final. Therefore, the petitioner cannot now contend that the order passed on 12.02.2018 is erroneous. The impugned notice, dated 01.06.2018 is only consequential order issued by the respondent calling upon the petitioner to vacate from the encroached land.

4.The learned counsel appearing for the petitioner submitted that the petitioner has also filed a civil suit in O.S.No.357 of 2016 on the file of the Principal District Munsif Court, Srivilliputhur and the same is also pending.

5.For the reasons stated above, we do not find any merits in the Writ Petition. However, it is open to the petitioner to prosecute the suit in O.S.No.357 of 2016 on the file of the Principal District Munsif Court, Srivilliputhur, on merits and in accordance with law.

6.With these observations, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar

To

1.The Principal District Munsif,
Srivilliputhur.

2.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

+1cc to Mr.V.Sasikumar, Advocate Sr.No.68693

+1cc to Spl.Government Pleader Sr.No.68614

PS

VB/SV/MMS/SAR1/29.06.2018/2P/5C

W.P (MD) No.12932 of 2018
19.06.2018