



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD) No.13750 of 2018

and

W.M.P (MD) Nos.12487 and 13742 of 2018

P.Raja Kumar

... Petitioner

Vs.

The Executive Officer,
Anjugramam Town Panchayat,
Anjugramam & Post,
Kanyakumari District.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondent from demolishing any part of the residential house of the petitioner in Door No.7/106D of Anjugramam Town Panchayat, situated in R.S.No.735/45 of Anjugramam Village, Agasteeswaram Taluk, Kanyakumari District.

For Petitioner
For Respondent

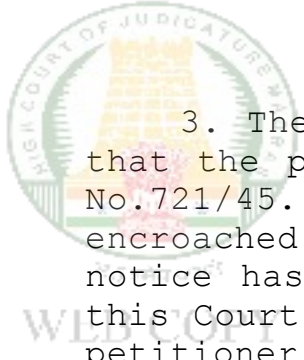
:Mr.C.T.Perumal
:Mr.M.Jeyakumar

O R D E R

[Order of the Court was made by T.RAJA, J.]

This writ petition has been filed seeking for issuance of a Writ of Mandamus forbearing the respondent from demolishing any part of the residential house of the petitioner in Door No.7/106D of Anjugramam Town Panchayat, situated in R.S.No.735/45 of Anjugramam Village, Agasteeswaram Taluk, Kanyakumari District, based on the proceedings of the respondent dated 14.12.2017 issued to the petitioner's wife.

2. This Court on earlier occasion entertaining a writ petition in W.P(MD)No.1429 of 2017 disposed of the said writ petition by order dated 30.01.2017, directing the respondent herein to remove the encroachments made by the encroachers. Based on the said order passed by this Court, the present impugned notice has been issued to the petitioner's wife calling upon her to remove the encroachment made by her in Survey No.721/1, which is classified as a Cart Track Road.



3. The learned counsel appearing for the petitioner submitted that the petitioner is a pattadhar of the land covered in Survey No.721/45. However, wrongly presuming that the petitioner has encroached a part of the land in Survey No.721/1, the present notice has been issued to his wife based on the order passed by this Court in W.P(MD)No.1429 of 2017 dated 30.01.2017, wherein the petitioner or his wife were not even impleaded as a party respondents.

4. We are also able to see the copy of the patta enclosed at page no.15 of the typed set of papers. A perusal of the patta issued in the name of the petitioner Raja Kumar, S/o.Periya Nadar, shows that he is a pattadhar of the land in Survey No.721/45 having an extent of 0.5.00 hectares, whereas a perusal of proceedings dated 14.12.2017 shows that the respondent has not called upon the petitioner or his wife to remove any construction or any occupation made in Survey No.721/45.

5. In the result, as the proceedings issued by the respondent dated 14.12.2017 indicates that the petitioner is an encroacher of the land covered in Survey No.721/1, we are unable to see any merit in this writ petition and hence, the same fails and is dismissed. No Costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-I)

+1cc to Mr.C.T.Perumal, Advocate Sr.No.80048

PM

VB/SKN/SAR1/11.09.2018/2P/2C

W.P(MD)No.13750 of 2018
24.08.2018