



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD) No.17999 of 2018

and

W.M.P (MD) No.15883 of 2018

Selvi

... Petitioner

Vs.

1. The District Collector,
Pudukkottai District.

2. The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

3. The Special Tahsildar,
Adi Dravidar Welfare Department,
Public Office Compound,
Pudukkottai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Certiorari to call for the records pertaining to the order passed by the second respondent by his proceedings in Na.Ka.10560/2018/A8, dated 06.08.2018 and quash the same as illegal and arbitrary.

For Petitioner : Mr.K.Baalasundharam

For Respondents : Mr.V.Anand
Government Advocate

ORDER

This writ petition is directed against the impugned proceedings dated 06.08.2018 issued by the second respondent - Tahsildar, Thirumayam Taluk, Pudukkottai District, directing the petitioner to remove the encroachment within 12 weeks failing which the respondents would take action for removal of encroachment at 11.00 hours on 14.08.2018.



3. Learned Counsel for the petitioner assailing the impugned proceedings dated 06.08.2018, submitted that while taking action against the encroachers, the second respondent - Tahsildar, Thirumayam Taluk has discriminated the encroachers and the petitioner alone has been identified as an encroacher when several other encroachers are there in the same area. Such a discriminatory treatment shown by the second respondent is illegal and arbitrary and hence, the impugned proceedings is liable to be quashed.

4. Learned Government Advocate appearing for the respondents urging this Court to dismiss writ petition, submitted that one Mr.P.M.Selvaraj, alleging that some encroachments have been put up in the Government poramboke land, filed the writ petition in W.P (MD)No.18530 of 2017 as a Public Interest Litigation seeking a direction to the respondents 1 to 3 therein to measure the illegal encroachments put up by the petitioner herein and one Seetha belonging to the same village. After considering the said prayer, this Court, by order dated 04.01.2018, directed the Tahsildar, Thirumayam Taluk, Pudukkottai District - second respondent herein, to cause inspection of the land in question with the help of the jurisdictional Surveyor and after putting the concerned persons on notice and survey the land and if survey reveals that there are encroachments, shall remove the encroachments in accordance with law. Based on the said order passed by this Court on 04.01.2018 in W.P(MD)No.18530 of 2017, after identifying the petitioner and others as encroachers, the present impugned notice has been issued calling upon them to vacate and removal the encroachments within 12 weeks. Therefore, the petitioner cannot come to this Court as the action has been taken pursuant to the directions issued by this Court on 04.01.2018 in W.P(MD)No.18530 of 2017.

5. Heard the learned Counsel for the parties.

6. A perusal of the order passed by this Court in W.P(MD) No.18530 of 2017, dated 04.01.2018, clearly shows that one Mr.P.M.Selvaraj has approached this Court for removal of the illegal encroachments put up by the petitioner and one Seetha in S.No.133, Dr.Ambedkar Nagar, Kuliparai Village, Thirumayam Taluk, Pudukkottai District, on the basis of the representation of the petitioner dated 24.07.2017.

7. This Court, while disposing of the said writ petition, taking note of the counter affidavit filed by the Tahsildar, Thirumayam Taluk that the petitioner herein and one Seetha have put up superstructures in addition to 3 cents of land given under patta, directed the Tahsildar, Thirumayam Taluk, Pudukkottai District, to cause inspection of the land in question with the help of the jurisdictional Surveyor, to cause inspection of the land in question and if there are any encroachments, the same shall be removed.



8. As the respondents have identified the petitioner as an encroacher and given her time for removal of encroachments within 12 weeks, we are unable to find any merit in this writ petition and when the impugned notice itself is issued pursuant to the order dated 04.01.2018 passed by this Court in W.P(MD)No.18530 of 2017, this writ petition is liable to be dismissed.

9. In the result, this writ petition is dismissed. Liberty is given to the respondents to proceed against the petitioner in accordance with law. No costs. Consequently, the connected writ miscellaneous petition is dismissed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The District Collector,
Pudukkottai District.
2. The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.
3. The Special Tahsildar,
Adi Dravidar Welfare Department,
Public Office Compound,
Pudukkottai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 79664

RSB
TE/RSK/SAR-2 : 06/09/2018 : 3P/5C

W.P(MD)No.17999 of 2018 and
W.M.P(MD)No.15883 of 2018
21.08.2018

(2/2)