



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2018

CORAM :

**THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY**

W.P(MD)No.18612 of 2018
and
W.M.P(MD)No.16476 of 2018

Ramajayam

... Petitioner

vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Aruppukottai
Virudhunagar District.
3. The Tahsildar,
Virudhunagar Taluk
Virudhunagar District.
4. The Block Development Officer,
Virudhunagar Panchayat Union,
Virudhunagar District.
5. The Village Administrative Officer,
Pavali Village,
Virudhunagar Taluk and District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for the records of the 3rd respondent in his proceedings in Na.Ka.A5/4765/2018 dated 30.07.2018 and quash the same as illegal, arbitrary, violation of Principles of Natural Justice and without jurisdiction.

For Petitioner : Mr.M.Jothi Basu

For Respondents : Mr.V.Anand
Government Advocate

**O R D E R****(Order of the Court was made by T.RAJA, J.)**

This Writ Petition is directed against the impugned proceedings dated 30.07.2018 informing the petitioner that he has put a cement wall in S.No.285/31 to an extent of 2.0 sq. mtr.

2. Learned counsel for the petitioner, assailing the impugned order, would submit that the petitioner has been issued with patta in respect of S.No.77/4 indicating that he is the absolute owner of the property to an extent of 1350 sq. feet. He would further submit that when the petitioner has not even put up any cement wall in another S.No.285/31, there is no necessity or justification on the part of the respondents to issue the impugned order against the petitioner.

3. We are also able to see that the petitioner has purchased the land having an extent of 1350 sq. ft. in S.No.77/4. As it is admitted by the learned counsel for the petitioner that the petitioner has not put up any cement wall in some other land covered in S.No.285/31, in our considered assessment, the petitioner should not bother about the removal of the encroachment that is going to take place only in S.No.285/31.

4. Even if the petitioner has put up any encroachment or has encroached into any piece of land covered in S.No.285/31, when the registered sale deed dated 06.06.1981 indicates that the petitioner is not the owner of the land mentioned in the impugned proceedings and she is the owner of only S.No.77/4, she should not have come to this Court. The respondents have not intended to remove or disturb the petitioner from her patta land. Therefore, the writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The Revenue Divisional Officer,
Aruppukottai
Virudhunagar District.

3. The Tahsildar,



Virudhunagar Taluk
Virudhunagar District.

4. The Block Development Officer,
Virudhunagar Panchayat Union,
Virudhunagar District.

5. The Village Administrative Officer,
Pavali Village,
Virudhunagar Taluk and District.

+1cc to M/s.G.M. LAW OFFICE Advocate in sr.no.80355.

+1cc to Special Government Pleader in sr.no.80619.

RR

DS RP SAR-1:28.09.2018: 3P/8C

W.P (MD) No.18612 of 2018
and
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