

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.07.2019

CORAM :

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

AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. Nos.14697 and 14698 of 2009 and
M.P.Nos. 1 and 2 of 2009 (4 MPs)

A. Nagaraj ... Petitioner in W.P.No.14697/2009

G.Appadurai ... Petitioner in W.P.No.14698/2009

v.

1. The Commissioner,
Omalur Panchayat Union,
Salem District.

2. The President,
Muthu Naicken Patti Village Panchayat,
Omalur Panchayat Union,
Salem District.

.. Respondents in both WPs

Writ Petitions filed under Article 226 of the Constitution of India praying to issue of Writ of Certiorari, calling for the records of the 1st respondent in his proceedings NaKa.No.4386/2005/A3, dated 22.06.2009 and quash the same.

For Petitioners : Mr.T.Sundaravadanam

For Respondents : Mr.A.Arumugam - for R1

Mr.Sai Krishnan
for M/s. Sai & Bharath - for R2

COMMON ORDER

(ORDER OF THE COURT WAS MADE BY M.DURAI SWAMY, J.)

The above Writ Petitions have been filed by the petitioners to issue of Writs of Certiorari to call for the records of the 1st respondent in his proceedings dated 22.06.2009 and to quash the same.

2. When the Writ Petitions are taken up for hearing, the learned counsel appearing for the petitioners as well as the respondents submitted that challenging the very same notice dated 22.06.2009 issued by the 1st respondent, one Mr.N.Mathiyazhagan filed a Writ Petition in W.P.No.13384 of 2009 and this Court, by order dated 14.09.2009, dismissed the Writ Petition and the relevant portion of the order reads as follows:-

"... 21. Perusal of the impugned notice shows that, apart from the petitioner, there are 12 other encroachments squatting over the government poramboke land, survey No.264 and that notices have been issued to all of them to vacate the lands, within 10 days from the date of the said notice, filing which, appropriate action would be taken. Pursuant to a letter dated 22.06.2009 of the second respondent, the Commissioner, Omalur Panchayat Union, Salem District, has also advised the encroachers to vacate from the government land. When the encroachment has been admitted by payment of 'B' memo charges for his occupation of government poramboke land, the petitioner has no legal right to squat over the government property and stall the developmental activities of the government for his personal gain. Considering the proposal for setting up a weekly sandai at a cost of Rs.5,00,000/- under a scheme and it would benefit both the farmers and villagers of the said village, the notices issued by the respondent cannot be found fault with. I do not find that the petitioner has made out any case for interference. There is no manifest illegality in the impugned notice. The interim stay granted is vacated.

22. Hence, the Writ petition is liable to be dismissed. Consequently the connected M.Ps are also dismissed. No costs."

Further, the learned counsel on either side submitted that the petitioner therein has not filed any appeal as against the said order and the same has become final. In such circumstances, the learned counsel on either side submitted that the present

Writ Petitions may also be dismissed in view of the order passed in W.P.No.13384 of 2009.

3. In view of the submissions made by the learned counsel on either side, the above Writ Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Rj

To

1.The Commissioner,
Omalur Panchayat Union,
Salem District.

+1cc to M/S.Sai & Bharath Advocate, S.R.No.66011
+1cc to Mr.T.Sundaravadanam Advocate, S.R.No. 65134
+2cc to Mr.A.Arumugam Advocate, S.R.No.65090 & 65089

MP(CO)
CB(10/09/2019)

W.P. Nos.14697 and 14698 of 2009 and
M.P.Nos. 1 and 2 of 2009 (4 MPs)

सत्यमेव जयते

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