



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2019

CORAM

WEB COPY

THE HONOURABLE MR. JUSTICE K. KALYANASUNDARAM
and
THE HONOURABLE MRS. JUSTICE R. THARANI

W.P. (MD) .No.11369 of 2019
and
W.M.P. (MD) .No.8664 of 2019

P.Arumugam

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District.
3. The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.
4. The Block Development Officer,
Narikudi Panchayat Union,
Virudhunagar District.

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents herein by considering the petitioner's representation dated 25.04.2019 and not to interfere with the petitioner's peaceful possession and enjoyment of Survey No.374/2 in M.Pudhukulam Village, Algapuri, Thiruchuli Taluk, Narikudi via., Virudhunagar District without following any due process of law.

For Petitioner

: Mr.V.Meenakshisundaram

For Respondents

: Mr.Aayiram K.Selvakumar
Additional Government Pleader

**O R D E R**

(Order of the Court was made by **K.KALYANASUNDARAM, J.**)

Heard Mr.V.Meenakshisundaram, learned counsel appearing for the petitioner and Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 to 3.

2. The petitioner has come forward with this writ petition for issuance of a writ of Mandamus directing the respondents herein to consider his representation dated 25.04.2019 and not to interfere with the peaceful possession and enjoyment of the property in Survey No.374/2 in M.Pudhukulam Village, Algapuri, Thiruchuli Taluk, Virudhunagar District without following the due process of law.

3. The learned counsel for the petitioner would submit that the petitioner has become absolute owner of the property in Survey No.374/2 by virtue of a registered sale deed dated 07.04.2006. Thereafter, he constructed a house and residing therein and the official have also issued a Patta. The adjacent property in Survey No.374/3 also belongs to the petitioner. The sixth respondent, who is the owner of the land in Survey No.373/43 filed a writ petition in W.P.(MD).No.15951 of 2016 for a direction to the Tahsildar to consider his representation to clear the blocked passage in Survey No.373/42 which is the common passage in which the petitioner was wrongly projected as an encroacher in Survey No.374/2.

4. It is further submitted that even without notice to the petitioner, the writ petition was disposed of with directions. In pursuance of the order, without conducting any enquiry, the respondents held that the petitioner has encroached a portion of the land and passed orders to remove the encroachment in Survey No.373/42. Aggrieved over the same, he preferred the writ petition in W.P.(MD).No.20980 of 2017 and the writ petition was allowed on 15.11.2017. It is the submission of the learned counsel for the petitioner that in pursuance of the order, a summary enquiry was conducted and on 16.04.2018, an order was passed to remove the encroachment and the authorities also demolished the alleged encroachment.

5. It was argued by the learned counsel for the petitioner that the official respondents are threatening to demolish the entire house without any notice, hence, a representation was given to the respondents on 25.04.2019. Since no order was passed, the petitioner has filed the present writ petition.

6. Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the respondents will not demolish the house of the petitioner without



following the process of law and this writ petition came to be filed on mere apprehension.

7. Recording the submission of the learned Additional Government Pleader, this writ petition is closed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Virudhunagar District,
Virudhunagar.
2. The District Revenue Officer,
Virudhunagar District.
3. The Tahsildar,
Thiruchuli Taluk,
Virudhunagar District.
4. The Block Development Officer,
Narikudi Panchayat Union,
Virudhunagar District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-64568[F] dated 30/04/2019)

+1 CC to M/s.SPL GP (SR-65118[F] dated 02/05/2019)

akv

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