



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.15055 of 2019

and

WMP(MD)Nos.11583 and 11584 of 2019

Veeraraj

: Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Devakottai, Sivagangai District.

3.The Tahsildhar,
Singampunari Taluk,
Sivagangai District.

4.The Block Development Officer,
Maruthipatti Panchayat Union,
Singampunari Taluk,
Sivagangai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorari calling for the records relating to the impugned notice issued by the fourth respondent vide proceedings in Na.Ka.B1/350/2019, dated 20.06.2019 and quash the same as arbitrary, unconstitutional, unlawful and illegal.

For Petitioner

: Mr.R.Murugan

For R-1 to R-3

: Mr.M.Karuppasamy

Government Advocate

For R-4

: Mr.M.Pandiarajan

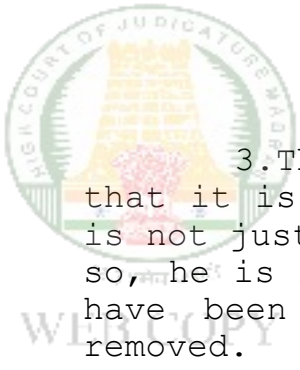
Additional Government Pleader

O R D E R

[Order of the Court was made by **K.RAVICHANDRABAABU, J.**]

This writ petition is filed challenging the proceedings dated 20.06.2019 issued by the fourth respondent calling upon the petitioner to remove the encroachment said to have been made at Survey No.200 of Aralipatti village.

2.When the matter is taken up for admission today, the learned Government Advocate, who takes notice for the respondents based on information, submitted that the subject matter encroachment has already been removed and therefore, nothing survives in this writ petition to be adjudicated upon further.



3.The learned counsel for the petitioner however contended that it is not an encroachment and therefore, the fourth respondent is not justified in issuing the impugned notice. Though he contended so, he is not disputing the fact that the superstructure alleged to have been constructed by way of encroachment has already been removed.

4.When such being the factual position, we find that nothing survives in this writ petition to be adjudicated upon further, since the challenge made herein is only against the notice calling upon the petitioner to remove the encroachment. If the superstructure is already removed, it is for the petitioner to work out his remedy to establish his right based on his contentions as to whether the removed superstructure lies within his property or as an encroachment, by filing appropriate proceedings before the appropriate forum.

5.Granted such liberty, this writ petition is disposed of as infructuous. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Sivagangai District, Sivagangai.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Devakottai, Sivagangai District.

3.The Tahsildhar,
Singampunari Taluk,
Sivagangai District.

4.The Block Development Officer,
Maruthipatti Panchayat Union,
Singampunari Taluk,
Sivagangai District.

+1cc to Mr.R.MURUGAN, Advocate, SR.No. 73331

+1cc to M/s.Special Government Pleader,SR.No. 73689

W.P. (MD) No.15055 of 2019

04.07.2019

RJ2

<https://hcservices.ecourts.gov.in/hcservices/>

KK/SAR/15.07.2019/2P-7C