



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **06.03.2019**

CORAM:

THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM
AND

THE HONOURABLE MRS. JUSTICE R.THARANI

Writ Petition (MD) No.5236 of 2019

and

W.M.P. (MD) .No.4190 of 2019

Nagaiya

.. Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Special Officer/Block Development Officer,
Nilakottai Panchayat Union,
Mattapparai Panchayat,
Nilakottai,
Dindigul
Dindigul District.

3.The Tahsildar,
Nilakottai Taluk,
Nilakottai,
Dindigul District.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of a writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice dated 27.02.2019 issued by the 2nd respondent in his proceedings in Na.Ka.No.3437/2017/Thi3 and quash the same as illegal and further direct the 2nd respondent to conduct enquiry by affording sufficient opportunity to the petitioner to prove his right over the petition property.

For Petitioner
For Respondents

: Mr.N.R.Balaji
: Mr.Aayiram K.Selvakumar
Addl. Govt.Pleader for RR-1 to 3

ORDER

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



remove the encroachment in Sy.No.154/1 of Mattapparai Village, Nilakottai Taluk, Dindigul District.

2.Mr.N.R.Balaji, learned counsel for the petitioner would state that the impugned order has been passed in total violation of principles of natural justice and it is further contended that the extent of encroachment has not been mentioned in the impugned order.

3.Mr.Ayiram K.Selvakumar, learned Additional Government Pleader would contend that in the earlier writ petition in W.P. (MD).312 of 2018, a similar order was challenged by the petitioner and this Court, accepting the report submitted by the Tahsildar, directed the petitioner to remove the encroachment to an extent of 240 sq.ft. This Court further directed the petitioner to remove the encroachment within a period of 30 days. Since the petitioner fails to remove the same, the impugned order has been passed by the respondent.

4.The Block Development Officer, Nilakottai Panchayat Union, Mattapparai Panchayat, the second respondent, who is present before this Court would state that the encroachment found out measuring an extent of 240 sq.ft is to be removed by the petitioner and there is no ambiguity in the order.

5.In the light of the fact that this Court in W.P.(MD). No.312/2018 directed the petitioner to remove the encroachment to an extent of 240 sq.ft and granted 30 days time to remove the same, since the petitioner did not comply with the order, the present impugned notice has been issued. Hence, we find no reason to interfere with the order impugned in this writ petition.

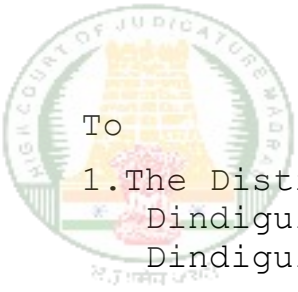
6.Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The District Collector,
Dindigul District,
Dindigul.

2.The Special Officer/Block Development Officer,
Nilakottai Panchayat Union,
Mattapparai Panchayat,
Nilakottai,
Dindigul
Dindigul District.

3.The Tahsildar,
Nilakottai Taluk,
Nilakottai,
Dindigul District.

VS

Writ Petition (MD) No.5236 of 2019
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