



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.08.2019

CORAM:

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
and
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.(MD)No.18944 of 2019

and

W.M.P.(MD)Nos.15263 and 15265 of 2019

Ponraj

... Petitioner

- Vs. -

1.The Officer in Charge,
CDR and Co. Construction,
Thirunagar, Madurai.

2.The Tahsildar,
Radhapruam Tk,
Tirunelveli District.

3.The Executive Officer/Special Officer,
Selection Grade Panchayat,
Panagudi, Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus Calling for the entire records pertaining to the impugned Notice issued by the 3rd respondent in Na.Ka.No.115/2019, dated 21.08.2019 and quash the same.

For Petitioner : Mr.R.Anand

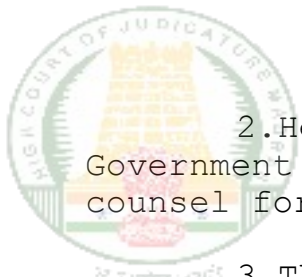
For R-1 and R-2 : Mr.M.Karuppasamy
Government Advocate

For R-3 : Mr.R.Murugan

O R D E R

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

The petitioner aggrieved against the proceedings of the third respondent, dated 21.08.2019, wherein and whereby the petitioner was called upon to vacate the encroachment immediately, also by indicating that failure to do so will result in removal of the said encroachment by the officials of the third respondent.



2. Heard the learned counsel for the petitioner; the learned Government Advocate for the respondents 1 and 2 and the learned counsel for the third respondent.

3. The learned Government Advocate invited our attention to an order passed by this Court in W.P.(MD)No.7387 of 2017, dated 21.04.2017, to indicate that already an order is passed by this Court for removal of encroachment in the subject matter survey number. Therefore, he contended that the petitioner cannot be given any indulgence. He further submitted that the petitioner himself has sought for time to vacate, through his letter dated 06.08.2019 and therefore, when he failed to do so within the time granted by the third respondent, there is no other go except to issue the impugned proceedings.

4. Perusal of the impugned proceedings would show that the petitioner, infact, had made a request on 06.08.2019 seeking for time to vacate. Accordingly, it appears that the third respondent has granted some time and however, the petitioner failed to vacate within such time. Therefore, the impugned proceedings is issued by the respondent, with which we find no reason to interfere.

5. When already this Court had directed the authorities to remove the encroachment in the subject matter survey number by an order dated 21.04.2017 made in W.P.(MD)No.7138 of 2017 and when the petitioner himself has sought only time to vacate and failed to do so, we find no reason to interfere with the impugned order.

6. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

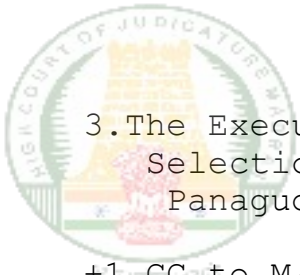
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Sub Assistant Registrar

To

1. The Officer in Charge,
CDR and Co. Construction,
Thirunagar, Madurai.

2. The Tahsildar,
Radhapruam Tk,
Tirunelveli District.



3.The Executive Officer/Special Officer,
Selection Grade Panchayat,
Panagudi, Tirunelveli District.

+1 CC to M/s.SPLGP (SR-84856[F] dated 03/09/2019)

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30.08.2019

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