



WEB COPY

W.P(MD)No.5187 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2020

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.5187 of 2020

and

W.M.P(MD)Nos.4523 and 4525 of 2020

M.Kodiarasu

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The Tahsildar,
Aravakurichi Taluk Office,
Karur District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, seeking to issue a writ of Certiorari to call for the records pertaining to the impugned proceedings of the second respondent in Na.Ka.No.A1/3278/2016, dated 17.02.2020 and quash the same as illegal and against the settled proposition of law.

For Petitioner : Mr.V.Balaji

For Respondents : Mr.R.Sethuraman
Special Government Pleader

* * * * *

ORDER

[Order of the Court was made by **B.PUGALENDHI, J.**]

The petitioner has filed the present writ petition challenging the impugned proceedings of the second respondent in Na.Ka.No.A1/3278/2016, dated 17.02.2020, in and by which, the second respondent called upon the petitioner herein to remove the encroachments made in S.No.841/42 in Chinnadharapuram Village.

2. According to the petitioner, the present writ petition has been filed on the ground that no show cause notice is given to the petitioner prior to the issuance of the impugned notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905 and therefore, the impugned notice is liable to be set aside.

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3. However, a perusal of the typed set of papers filed in support of this writ petition discloses that on 15.02.2018, a show cause notice was issued by the second respondent calling upon the petitioner to remove the encroachments made in S.Nos.841/9 and 841/42 and subsequently, the petitioner also filed a civil suit in O.S.No.46 of 2018 on the file of the Additional District Munsif Court, Karur, which was transferred to the file of the District Munsif Court, Aravakurichi and renumbered as O.S.No.343 of 2019 and the same is pending. But, the petitioner has not enclosed the particulars of the said suit and the relief sought for thereon in the typed set of papers filed in support of this writ petition.

4. Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents produced a copy of the order passed by this Court in W.P(MD)No16332 of 2018, dated 12.04.2019, wherein the petitioner has been shown as the fourth respondent and the relief sought for therein is to remove the encroachments made by the petitioner herein in S.No.841/9 and submitted that the said writ petition was disposed of with a direction to the second respondent herein to take action based on the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, if there is no interim order in the suit pending before the civil Court.

5. Pursuant to the said orders passed by this Court only, according to the learned Special Government Pleader, the notice impugned herein has been issued and therefore, this Court does not find any infirmity in the impugned notice issued by the second respondent warranting interference and in the opinion of this Court, the petitioner sought to review the earlier order passed by this Court by way of the present writ petition and therefore, this writ petition is devoid of merit and the same is liable to be dismissed.

6. Accordingly, this writ petition is dismissed. However, it is open to the petitioner to give a reply to the show cause notice dated 15.02.2018 within a period of one week from the date of receipt of a copy of this order and on receipt of such reply, the second respondent may consider the same and proceed further in accordance with law. No costs. Consequently, the connected writ miscellaneous petitions are also dismissed.

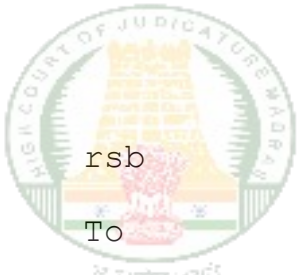
Sd/-

Assistant Registrar (co)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



rsb

To

1.The District Collector,
Karur District,
Karur.

2.The Tahsildar,
Aravakurichi Taluk Office,
Karur District.

+1 CC to Mr.V.BALAJI, Advocate (SR-11201[F] dated 11/03/2020)

+1 CC to SPL.GP (SR-11315[F] dated 12/03/2020)

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VB(13.03.2020) 3P 5C