



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD) .No.10703 of 2021

and

W.M.P (MD) No.8329 of 2021

N.Neethipathi

... Petitioner

Vs.

1.The Block Development Officer (Village Panchayats)
Viralimalai Panchayat Union,
Pudukottai District.

2.The President,
Kodumbalur Panchayat,
Viralimalai Panchayat Union,
Pudukottai District.

3.Anandan,
President,
Kodumbalur Panchayat,
Viralimalai Panchayat Union,
Pudukottai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorari, calling for the records relating to the impugned notice issued by the second respondent, dated 06.06.2021 and quash the same as illegal.

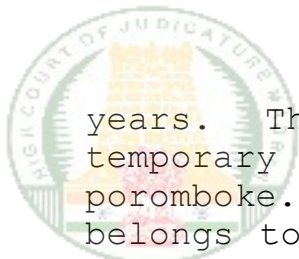
For Petitioner : Mr.AN.Ramanathan

For R-1 & R-2 : Mr.S.Shanmugam,
Government Advocate

ORDER

This Writ Petition has been filed challenging the proceedings of the second respondent dated 06.06.2021, wherein, the petitioner has been directed to remove all the materials inside the shed and vacate the property within a period of seven days.

2. The case of the petitioner is that he is running a business of hiring and installing mike sets and generators for the last fifteen years.



years. The further case of the petitioner is that he had raised temporary shed in a property that is classified as a Government poramboke. The grievance of the petitioner is that this property belongs to the Highways Department as per the revenue records and whereas, the second respondent has issued a notice to the petitioner to remove the shed and all the materials that have been kept therein. Aggrieved by the same, the present Writ Petition has been filed before this Court seeking for appropriate directions.

3. Heard Mr.AN.Ramanathan, learned counsel appearing for the petitioner and Mr.S.Shanmugam, learned Government Advocate appearing for the respondents 1 and 2.

4. In the considered view of this Court, the petitioner does not have any legal right to approach this Court and seek for the issue of a Writ of Mandamus. There are absolutely no materials to establish under what authority, the petitioner is occupying the property. Even according to the petitioner, he has been enjoying the property for more than 15 years. There is nothing to substantiate this stand taken by the petitioner except his *ipse dixit*. The next contention of the petitioner that the second respondent does not have the authority to issue such a notice on the ground that the property belongs to the Highways Department is again not an issue that has to be gone into by this Court. Unless the petitioner establishes his right over the property, there is no requirement for this Court to decide whether the second respondent will have the right to evict the petitioner or the Highways Department. In any case, this Court is of the considered view that the petitioner is squatting upon a Government land. Therefore, some day, he has to be evicted from the property.

5. This Court does not find any merits in the present Writ Petition and accordingly, the same stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

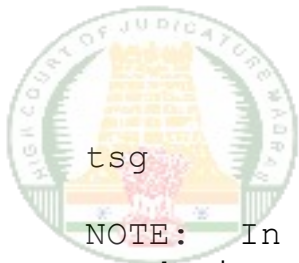
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)



tsg

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Block Development Officer (Village Panchayats)
Viralimalai Panchayat Union,
Pudukottai District.

2.The President,
Kodumbalur Panchayat,
Viralimalai Panchayat Union,
Pudukottai District.

+1 CC to SPL GP (SR-20722[F] dated 30/06/2021)

Order made in
W.P. (MD) .No.10703 of 2021
and
W.M.P (MD) No.8329 of 2021
Dated :
29.06.2021

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KM(08.07.2021) 3P 4C