



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.10.2021

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**W.P(MD)NO.18234 of 2021
and
W.M.P(MD)No.15069 of 2021**

A.Kosal Ram : Petitioner
vs.

The Executive Officer,
Anjugramam I Grade Panchayat,
Anjugramam,
Kanyakumari District. : Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of the respondent vide his proceedings in Na.Ka.No.29/2021, dated 30.09.2021 and to quash the same as arbitrary and illegal.

For Petitioner : Mr.P.T.Ramesh Raja
For Respondent : Mr.B.Saravanan
Government Advocate

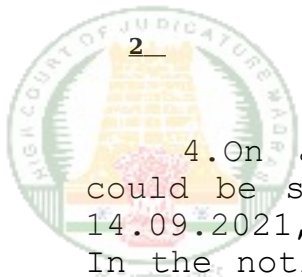
O R D E R

[Order of the Court was made by **M.DURAI SWAMY., J.**]

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of the respondent, dated 30.09.2021 and to quash the same.

2.It is the case of the petitioner that he is in possession of Survey No.903/11B of Alagapuram Village, Agastesswaram Taluk and that the respondent had issued the impugned notice, dated 30.09.2021 to take action in respect of the encroachment made in Survey No.904/3.

3.The learned Counsel appearing for the petitioner very specifically stated that the petitioner is in possession of Survey No.903/11B and he has no connection with Survey No.904/3.



4. On a reading of the impugned order, dated 30.09.2021, it could be seen that the petitioner was issued with a notice, dated 14.09.2021, calling upon him to submit his reply within seven days. In the notice, dated 14.09.2021, the respondent had stated that the land in question was surveyed and the Tashildar found that there is an encroachment made by the petitioner in the water body. Similarly, in the impugned order, dated 30.09.2021, the respondent had stated that Survey No.904/3, is a water body and the same was encroached by the petitioner and others. When the petitioner has stated that he is in possession of Survey No.903/11B and has no connection with Survey No.904/3, he could have ignored the impugned notice, dated 30.09.2021 or could have given a reply, stating that he is not in possession of Survey No.904/3 and that he is in possession of Survey No.903/11B.

5. It is also pertinent to note that the Writ Petition in W.P (MD)No.5703 of 2021 was filed by one P.Thangaraja before this Bench and the Division Bench of this Court by order, dated 07.06.2021, disposed of the Writ Petition directing the Tahsildar, Agasteeswaram Taluk, Nagercoil, Kanyakumari District to pass appropriate orders for conducting survey of the land in question ie., in Survey No.904/3 and submit the report and if any encroachment is found, directed the authority to remove the same within a period of twelve weeks. It is also pertinent to note that the earlier Writ Petition was also filed in respect of Survey No.904/3 and not in respect of Survey No.903/11B.

6. Therefore, recording the submission made by the learned Counsel appearing for the petitioner, we are not inclined to interfere with the impugned order, dated 30.09.2021 passed by the respondent, for the reason that the petitioner is not concerned about the Survey No.904/3 and that he is in possession of Survey No.930/11B.

7. In such view of the matter, the Writ Petition stands dismissed. No costs. Consequently, the connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

vsn/lr

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, the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

The Executive Officer,
Anjugramam I Grade Panchayat,
Anjugramam,
Kanyakumari District.

W.P (MD) NO.18234 of 2021

and

W.M.P (MD) No.15069 of 2021

06.10.2021

RD(20.10.2021) 3P 2C