



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)NO.19276 OF 2021

and

W.M.P(MD)No.16028 of 2021

Saravanan

:Petitioner

.vs.

1.The District Collector,
Trichy District.

2.The Executive Officer,
Balakrishnapatti Town Panchayat,
Trichy District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned notice issued by the second respondent vide Na.Ka.No.160/2021, dated 27.09.2021 and to quash the same as illegal and consequently to direct the second respondent not to disturb the pathway right of the Petitioner in Sy.No.87/3 of Balakrishnapatti village.

For Petitioner

:Mr.K.P.Narayanakumar

For Respondents

:Mr.B.Saravanan

Government Advocate

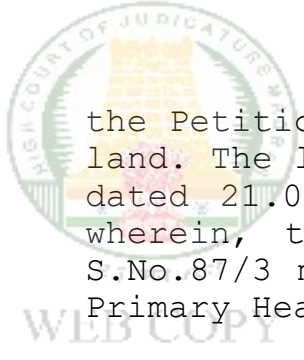
O R D E R

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

The Petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned notice issued by the second respondent, dated 27.09.2021 and to quash the same as illegal and consequently to direct the second respondent not to disturb the pathway right of the Petitioner in S.No.87/3 of Balakrishnapatti village.

2.The second respondent issued a impugned notice on 27.09.2021 calling upon the Petitioner to vacate the encroachment in S.No.87/3 within a period of 15 days. Challenging the notice, the Petitioner has filed the above Writ Petition.

3.Mr.B.Saravanan, learned Government Advocate taking notice for the respondents submitted that he has got written instruction from the Tahsildar, Thuraiyur to the effect that the land in S.No.87/3 has been earmarked for the Primary Health Centre and therefore,



the Petitioner cannot be allowed to remain in possession of the said land. The learned Government Advocate has also produced a letter, dated 21.09.2021 sent by the Tahsildar to the second respondent, wherein, the Tahsildar has specifically stated that the land in S.No.87/3 measuring an extent of 0.07.0 ares is ear-marked for the Primary Health Centre.

4. When the land in S.No.87/3 is earmarked for Primary Health Centre, the Petitioner cannot be allowed to remain in possession of the said land. In such view of the matter, we are not inclined to interfere with the order passed by the second respondent.

5. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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 District Collector,
Trichy District.

2. The Executive Officer,
Balakrishnapatti Town Panchayat,
Trichy District.

+1 CC to M/s.SPL.GP (SR-33168[F] dated 29/10/2021)

+1 CC to M/s.K.P.NARAYANAKUMAR, Advocate (SR-33312[F] dated 29/10/2021)

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TP(CO)

KB(16.11.2021) 2P 5C