



W.P.No.17485 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.07.2022

Coram:

THE HONOURABLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE
and
THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.17485 of 2022

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Ponnusamy

.. Petitioner

Vs.

1. The District Collector,
District Collectorate,
Kallakurichi District.
2. The Revenue Divisional Officer,
Kallakurichi & Taluk,
Kallakurichi District.
3. The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.
4. The Block Development Officer,
Block Development Office,
Kallakurichi & District.
5. Kannan

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the first and second respondents to remove the encroachment made upon in Survey Nos.21, 304/14 (Pathai Poramboke), Ulankankathan Village, Kallakurichi Taluk & District.

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For petitioner : Mr.V.Gunasekar

For respondents: Mr.J.Ravindran, Addl. Advocate General,
assisted by Mr.A.Selvendran, Spl.G.P. for RR-1 to 4

ORDER

(The Order of the Court was made by The Honourable Chief Justice)

The Writ Petition has been filed to seek a direction to the first and second respondents to remove the encroachment made in S.No.21 (Pathai Poramboke) and S.No.304/14 (Pathai Poramboke).

2. Photographs have been enclosed along with the Writ Petition to show the construction of a house after encroachment. The photographs indicate that the construction is very old. The matter was taken up by the petitioner in the year 2018 itself. But, no Writ Petition was filed soon thereafter and no action was sought to remove the encroachment. It is not clarified as to why the petitioner did not file a suit for injunction immediately when the construction was started by the fifth respondent. It is also not stated by the petitioner as to why the petitioner has waited for construction to be completed and now, he is seeking direction to demolish it. This results in waste of materials.

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3. Since the above questions remain unanswered, we do not find this Writ Petition to be a bona-fide petition and accordingly, it is dismissed. There shall be no order as to costs.

(M.N.B., C J) (N.M.J)
11.07.2022

Speaking Order: Yes/no

CS

To

1. The District Collector,
District Collectorate,
Kallakurichi District.
2. The Revenue Divisional Officer,
Kallakurichi & Taluk,
Kallakurichi District.
3. The Tahsildar,
Kallakurichi Taluk,
Kallakurichi District.
4. The Block Development Officer,
Block Development Office,
Kallakurichi & District.

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THE HONOURABLE CHIEF JUSTICE
and
N.MALA, J

CS

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