



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P(MD)No.4482 of 2022

and

W.M.P(MD)No.3768 of 2022

Dr.P.Kandhapalanival

.. Petitioner

Vs.

1.The District Collector,
New Collector Office,
Nagapattinam-Coimbatore-Gundlupet Hwy,
Thanjavur - 613 010.

2.The Commissioner,
Thanjavur Corporation,
Gandhiji Rode,
Thanjavur - 613 001.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records pertaining to the Impugned Notice No.02 dated 07.03.2022 issued by the 2nd respondent and the consequential Impugned Order through his proceeding in Na.Ka.No.3195/2022/MCF3 dated 09.03.2022 passed by the 2nd respondent and to quash the same as illegal and pass such further or other orders.

For Petitioner : Mr.S.Venkatesan

For Respondent No.1 : Mr.K.Balasubramanian
Special Government Pleader.

For Respondent No.2 : Mr.N.Dilipkumar,
Standing Counsel.

ORDER

[Made by PARESH UPADHYAY, J.]

Challenge in this petition is made to the notice dated 09.03.2022, where the petitioner is asked to remove the encroachment on the road.

2. Learned advocate for the petitioner has submitted that, the petitioner has not made any encroachment and he has given reply

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also to the respondent authorities. It is submitted that this petition be entertained.

3. Having heard learned advocate for the petitioner and having considered the material on record this Court finds that, the petitioner had already approached this Court earlier by filing W.P (MD)No.3813 of 2022 with similar relief, which was disposed of vide order dated 02.03.2022.

4. The stand of the State Authorities at the relevant time was that if there is no encroachment, no action is to be taken. Today also, there is no change in the said stand. The only difference now is that, earlier there was no notice, now there is notice. Beyond that, we do not see any other change. This petition need not be entertained on this ground alone. If, according to petitioner there is no encroachment, there is no reason to believe that the State will act illegally or arbitrarily.

5. For the above reasons, this petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

smn/16

To

The District Collector,
New Collector Office,
Nagapattinam-Coimbatore-Gundlupet Hwy,
Thanjavur - 613 010.

+1 CC to M/s.SPL GP (SR-12165[F] dated 15/03/2022)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-12327[F] dated 15/03/2022)

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ck(CO)
TR(24.03.2022) 2P 4C