



WEB COPY

W.P(MD)No. 5252 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE PARESH UPADHYAY

and

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P (MD)No. 5252 of 2022
and W.M.P (MD) No.4275 of 2022

Kanaga

.. Petitioner

Vs

- 1.The District Collector,
Madurai Collector Office,
Madurai - 20.
- 2.The Block Development Officer,
(Village Panchayat),
Thirupparankundram,
Madurai District.
- 3.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.
- 4.The Tahsildar,
Thirupparankundram,
Madurai District.
- 5.The Executive Officer,
Perunkudi Panchayat,
Madurai District.
- 6.The Commissioner of Police,
Commissioner of Police Office,
Madurai - 2.
- 7.The Trustee,
Jumma Pallivasal,
Perunkudi, Madurai - 22.

... Respondents/Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for records pertaining to the impugned notice issued by the 2nd Respondent dated 01.02.2022 e.f.vz;.4166/2021/jp2 and quash the same as illegal arbitrary.

<https://hcservices.ecourts.gov.in/hcservices/>



For Petitioner : Mr.R.Ganesan
For Respondents : Mr.Shaji Bino
Special Government Pleader
for R1 to R6

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ORDER

[Made by R.VIJAYAKUMAR, J.]

The present writ petition has been filed challenging a reminder notice issued by the second respondent herein on 01.02.2022 directing the petitioner to remove the encroachment over Survey No.134/4B2 on the ground it is a public road.

2. The writ petition has been filed contending that the petitioner has been granted assignment patta for Survey No.134/5 measuring 325 sq.ft., at Perunkudi Village, Madurai District. In para:3 of the affidavit filed in support of the writ petition, the petitioner has admitted that he has put up some constructions on the southern side of the assigned property.

3. Perusal of the affidavit indicates that the petitioner is not claiming any right or title over the disputed survey number in S.No.134/4B2. That apart, the petitioner has not chosen to challenge the original order of removal of encroachment dated 23.12.2021. The present impugned order is just a reminder dated 01.02.2022. Hence, we do not find any grounds to interfere in the impugned notice issued to the writ petitioner for removal of encroachment.

4. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition would not survive.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The District Collector,
Madurai Collector Office,
Madurai - 20.



2.The Block Development Officer,
(Village Panchayat),
Thirupparankundram,
Madurai District.

3.The Revenue Divisional Officer,
Thirumangalam,
Madurai District.

4.The Tahsildar,
Thirupparankundram,
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5.The Executive Officer,
Perunkudi Panchayat,
Madurai District.

6.The Commissioner of Police,
Commissioner of Police Office,
Madurai - 2.

+1 CC to M/s.K.GANESAN, Advocate (SR-14812[F] dated 28/03/2022)

+1 CC to M/s.SPL GP (SR-15328[F] dated 30/03/2022)

W.P (MD) No.5252 of 2022
28.03.2022

CK(CO)
KP(05.04.2022) 3P 9C