



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.05.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. (MD) No.9349 of 2022

and

W.M.P. (MD) No.6710 of 2022

R.Nada Thannasi

... Petitioner

-VS-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District.

3.The Taluk Surveyor,
Srivilliputtur Taluk,
Virudhunagar District.

4.The Block Development Officer,
Srivilliputtur Taluk,
Virudhunagar District.

5.The Panchayat President,
Ayan Nachiarkovil Panchayat,
Srivilliputtur Taluk,
Virudhunagar District.

6.Kaliraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari to call for the records pertaining to the impugned notice dated 21.04.2022 issued by the 5th respondent to remove the superstructure in Survey No. 594/32,

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



Alathur Village, Ayan Nachiarkovil Panchayat, Srivilliputtur Taluk, Virudhunagar District and quash the same.

For Petitioner : Mr.M.Chokkusamy

For Respondents : Mr.K.S.Selvaganesan
Additional Government Pleader
- for R1 to R3
Mr.Senthil Ayyanar - for R4 & R5

O R D E R

[Order of the Court was made by T.RAJA, J.]

The prayer in this writ petition is to quash the notice dated 21.04.2022 issued by the fifth respondent directing the petitioner to remove the superstructure in Survey No.594/32 of Alathur Village, Ayan Nachiarkovil Panchayat, Srivilliputtur Taluk, Virudhunagar District on or before 29.04.2022.

2. The learned counsel for the petitioner would submit that the petitioner's land is situated far away from the Survey No.594/32 in Alathur Village, Ayan Nachiarkovil Panchayat, Srivilliputtur Taluk, Virudhunagar District. In such circumstances, the fifth respondent, who is the President of Ayan Nachiarkovil Panchayat, Srivilliputtur Taluk, issued the impugned notice calling upon the petitioner to remove the superstructure in Survey No.594/32 on or before 29.04.2022, failing which the superstructure would be removed with the help of the officials of the Revenue Department and Police Department on 04.05.2022. According to the petitioner, no prior notice has been issued to him to submit his explanation. It is also claimed by the petitioner that he has already filed a civil suit in O.S.No.49 of 2021 before the District Munsif Court, Srivilliputtur against the sixth respondent, which is also pending. But, in the meanwhile, based on the order dated 21.04.2022 passed by this Court in W.P.(MD) No.22634 of 2021, filed by the fifth respondent herein, the impugned notice has been issued. Since no prior notice has been given to the petitioner enabling him to submit his objections, the impugned notice is liable to be set aside.

3. The learned Additional Government Pleader appearing for respondents 1 to 3 would submit that based on the order dated 21.04.2022 passed by this Court in W.P.(MD) No.22634 of 2021, the encroachment made by the petitioner in Survey No.594/32 in Alathur Village has already been removed.

4. In view of the above submission of the learned Additional Government Pleader, nothing survives for consideration in this writ petition and accordingly, the writ petition is dismissed as



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infructuous. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

// True Copy //

/ /2022
Sub Assistant Registrar(CS)

krk / abr

To:

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District.
- 3.The Taluk Surveyor,
Srivilliputtur Taluk,
Virudhunagar District.

+1 CC to M/s.M. CHOKKUSAMY BALASUBRMANIAM, Advocate (SR-23456[F]
dated 05/05/2022)

+1 CC to M/s.SPL.GP (SR-23500[F] dated 06/05/2022)

W.P. (MD) No.9349 of 2022

and

W.M.P. (MD) No.6710 of 2022

05.05.2022

MGJ(19.05.2022) 3P 6C