



W.P.(MD)No.14752 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2022

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.14752 of 2022
and
W.M.P(MD)Nos.10554, 10556 and 10557 of 2022

Karunanithi

... Petitioner

Vs.

- 1.The District Collector, Theni, Theni District.
 - 2.The Tahsildar, Theni, Theni District.
 - 3.The President, Upparpatti Panchayat,
Panchayat Union Office, Theni Union Panchayat,
Theni District.
- ... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the impugned notice issued by the third respondent in his proceedings in Na.Ka.No.4/2021, dated 28.02.2022 and to quash the same as illegal.

For Petitioner	:Mr.M.Suresh
For R1 and R2	:Mr.S.P.Maharajan Special Government Pleader
For R3	:Mr.Muthu Ganesh Pandian



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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed to quash the impugned notice issued by the third respondent in his proceedings in Na.Ka.No.4/2021, dated 28.02.2022. Vide impugned notice, the petitioner was directed to remove the encroachment in the lands in S.No.30/1 in Upparpatti Village, Theni District.

2.Heard Mr.M.Suresh, learned Counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who takes notice on behalf of R1 and R2 and Mr.Muthu Ganesha Pandian, learned Counsel, who takes notice for the third respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.In the impugned order, dated 28.02.2022, it is stated that the property, which is in the encroachment of the petitioner, is in S.No.30/1 and it is a property classified as Salai Poramboke. However, the petitioner tries to impress this Court, as if the petitioner is in possession of his patta land. Though petitioner refers to a suit filed by him in O.S.No.47 of 2022, on the file of the District Munsif Court, Theni, the said



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suit is in respect of a properties in S.Nos.28/1, 28/2 and 29/2. Though the properties in respect of which title is claimed by the petitioner comprise in three survey numbers, as they are the patta lands of the petitioner, the petitioner has not produced any record to show that he is entitled to any right over the land in respect of which the impugned notice was issued. The petitioner has approached this Court without any semblance of right in respect of the property mentioned in the impugned order. In such circumstances, this Court is unable to entertain this Writ Petition.

4.Hence, this Writ Petition is dismissed. No costs.
Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [S.S.Y., J.]
08.07.2022

Index : Yes / No

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To

1.The District Collector, Theni, Theni District.

2.The Tahsildar, Theni, Theni District.



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S.S.SUNDAR, J.

and

S.SRIMATHY, J.

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