



W.P(MD)No.18863 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2022

CORAM

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

**W.P(MD)No.18863 of 2022
and
W.M.P(MD).No.13765 of 2022**

Tamilarasi

... Petitioner

Vs.

1.The Block Development Officer [V.P],
Thathaiyangarpettai Union,
Trichy District.

2.The Tahsildar,
Musiri Taluk,
Trichy District.

3.The Inspector of Police,
Thathaiyangarpettai Police Station,
Trichy District.

4.The Village President,
Devanoor Village Panchayat,
Thathaiyangarpettai Union,
Trichy District.

5.Arulraj

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records relating to the impugned proceedings in Na.Ka.No.1/2022 dated 08.08.2022 issued by the fourth respondent and quash the same.

For Petitioners	: Mr.R.Gowri Shankar
For Respondent	: Mr.S.P.Maharajan Special Government Pleader for R2 and R3 Mr.J.Ashok, Additional Government Pleader for R1 and R4

ORDER

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

Heard Mr.R.Gowri Shankar, learned counsel appearing for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader for the respondents 2 and 3 and Mr.J.Ashok, learned Additional Government Pleader for the respondents 1 and 4.

2. This Writ Petition has been filed to call for the records relating to the impugned proceedings in Na.Ka.No.1/2022 dated 08.08.2022 issued by the fourth respondent and quash the same.



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3. It is seen from the earlier order passed by this Court on 09.12.2021 that the petitioner has requested three weeks time to remove the encroachment. Accepting the request made by the petitioner, this Court, by order dated 09.12.2021, directed the petitioner to remove the encroachment within a period of three weeks and hand over the possession to the respondents. However, she has not handed over the possession and she has come forward before this Court by way of the present writ petition which would clearly indicate the intention of the petitioner to circumspect the earlier direction of this Court. Absolutely, there is no explanation offered by the petitioner in the affidavit filed in support of this petition as to the legal implications of the earlier directions of this Court. Hence, this Court is of the view that the intention of the petitioner is to create a new right herself disrespecting the earlier directions of this Court. The petitioner herself has produced the copy of the order passed by this Court in W.P(MD).No.21751 of 2021.

4. Considering the fact that the petitioner has encroached the property in Survey No.453/31 and she has agreed to remove the



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encroachment within three weeks as indicated above, this Court is unable to find any substance in the submission made by the learned counsel appearing for the petitioner and is not inclined to entertain this writ petition. When this Court is about to dismiss the present writ petition with costs, the learned counsel appearing for the petitioner seeks permission of this Court to withdraw the present writ petition and he has made an endorsement to that effect.

5. In view of the endorsement made by the learned counsel appearing for the petitioner, this Writ Petition is dismissed as withdrawn. No costs. Connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
17.08.2022

Index :Yes/No
Internet :Yes
ssb



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S.S.SUNDAR, J.
AND
S.SRIMATHY, J.

ssb

ORDER MADE IN
W.P(MD)No.18863 of 2022

17.08.2022