



W.P.(MD) No.25053 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.11.2022

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE R.MAHADEVAN**

**W.P.(MD) No.25053 of 2022
and
W.M.P(MD)Nos.19149 & 19150 of 2022**

S.Muthu Lakshmi

... Petitioner

-VS-

1.The District Collector,
Tirunelveli District.

2.The Revenue Divisional Officer,
Cheranmahadevi Sub-Division,
Tirunelveli District.

3.The Executive Officer,
Special Grade Town Panchayat,
North Valliyoor,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the impugned proceedings in Na.Ka.No.92/2022, dated 28.10.2022 issued by the



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third respondent and quash the same and consequently direct the third respondent to consider the petitioner's representation submitted for the resumption of her beneficiaryship under the scheme called Housing for all 2021- 22 in the light of the order passed by this Court in W.P(MD)No.21033 of 2022, dated 02.09.2022.

For Petitioner : Mr.R.Anand

For RR 1 & 2 : Mr.S.P.Maharajan
Special Government Pleader

For R – 3 : Mr.H.Arumugam
Standing Counsel

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This Writ Petition has been directed against the impugned order, dated 28.10.2022 passed by the third respondent, wherein the Executive Officer, Special Grade Town Panchayat, North Valliyoor, Tirunelveli District, has specifically mentioned that the petitioner has put up construction in the aforesaid lands covered in Survey Nos.2217 and 2416, which belongs to the Panchayat and Highways Department. Aggrieved by the same, this Writ Petition has been filed.



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2. Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 and 2 and Mr.H.Arumugam, learned Standing Counsel, takes notice for the third respondent. By consent of both the parties, the Writ Petition is taken up for final disposal at the time of admission itself.

3. Learned counsel appearing for the petitioner would submit that originally, the grandfather of the petitioner's husband by name, Subbiah Thevar has executed a settlement deed in favour of the petitioner's husband and thereafter, the petitioner's husband executed a settlement deed in favour of the petitioner. Hence, she claims to be the owner and pattadhar of the land covered in S.No.1262B/1A. Continuing his arguments, learned counsel also contended that the third respondent, without mentioning the earlier order passed by this Court in W.P(MD)No.21033 of 2022, dated 02.09.2022, which was filed by the petitioner, has passed the impugned order. Therefore, the third respondent cannot interfere with the land owned by the petitioner in S.No.1262B/1A, having an extent of 750 sq.ft., and hence, the impugned order, dated 02.09.2022, passed by the third respondent is liable to be set aside.



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4. Heard both sides.

5. We are not able to accept the argument advanced by the learned counsel for the petitioner for the following reasons:-

a) The impugned order clearly states that the petitioner has been attempting to raise construction in the land covered in Survey Nos.2217 and 2146.

b) Admittedly the petitioner is neither the owner nor entitled to enjoy the land in question.

6. When the petitioner claims that she is the owner of the land in Survey No.1262B/1A having an extent of 750 sq. feet, the petitioner cannot be allowed to raise any grievance, as the impugned order clearly states that the petitioner has encroached the land covered in Survey Nos.2217 and 2146.

7. We are also accepting the arguments advanced by the learned counsel appearing for the third respondent and the impugned order has to be affirmed.



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8. Accordingly, the impugned order, dated 28.10.2022 passed by the third respondent is confirmed and the Writ Petition is dismissed. The third respondent is directed to remove the encroachment in the land in question, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

[T.R., A.C.J.] [R.M.D., J.]
03.11.2022

Index : Yes / No
Internet : Yes / No
ps/vsm

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