



W.P.(MD) No.2275 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2275 of 2023

and

W.M.P.(MD)No.2058 of 2023

Tamilarasi

... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Tahsildar,
Thiruchuli Taluk Office,
Thiruchuli, Virudhunagar District.

3.The Village Administrative Officer,
Veeracholam Village, Thiruchuli Taluk,
Virudhunagar District.

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4.The Panchayat President,
Veeracholam Panchayat,
Veeracholam Village,
Thiruchuli Taluk, Virudhunagar District.

5.Ganesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 not to resort to evict the petitioner without following the due process as directed by this Court in W.P. (MD)No.24599 of 2022, dated 28.10.2022.

For Petitioner : Ms.M.Sudha Rani
For R1 to R4 : Mr.K.Balasubramani,
Special Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed for a direction to the respondents 1 to 4 not to evict the petitioner without following the due process as directed by this Court in W.P.(MD)No.24599 of 2022, dated 28.10.2022.

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2.K.Balasubramani, learned Special Government Pleader takes notice on behalf of the respondents 1 to 4. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 5th respondent is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.The learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the 2nd respondent vide proceedings dated 18.10.2022, directed the Block Development Officer, Narikudi to remove the encroachment made by the petitioner in Survey No.368/10. Since no action has been taken, the 2nd respondent has served a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 to the petitioner, on 19.01.2023, directing the petitioner to remove the encroachment in question, in the light of the directions issued by this Court dated 28.10.2022 made in W.P.(MD)No.24599 of 2022. Without challenging the same, the

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petitioner has filed this Writ Petition only by enclosing the copy of the notices issued by the 4th respondent dated 02.11.2022 and 30.12.2022. Therefore, this Writ Petition is liable to be rejected on the aforesaid ground.

5. We are also in agreement with the submission made by the learned Special Government Pleader for the respondents 1 to 4 and if the petitioner is aggrieved by the notice dated 19.01.2023 issued by the 2nd respondent, she ought to have made her objections to the said notice. However, she has not made any objections to the notice dated 19.01.2023. Therefore, we are not inclined to entertain this Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]

06.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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- 4.The Panchayat President,
Veeracholam Panchayat,
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R.VIJAYAKUMAR, J.

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