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W.P.(MD) No.8930 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.8930 of 2023

M.N.Mayileri

... Petitioner

-vs-

1.The District Collector
Collectorate
Madurai-625 020

2.The Assistant Divisional Engineer
O/o.Assistant Divisional Engineer
Highways Department
Maintenance, Madurai West
Madurai

3.The Tahsildar
Madurai North
Collectorate
Madurai-625 020

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to consider the objections of the petitioner dated 20.03.2023 within the time stipulated by this Court.

For Petitioner : Mr.S.Louis

For Respondents : Mr.P.T.Thiraviam
Government Advocate



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ORDER

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[Order of the Court was made by R.SUBRAMANIAN, J.]

Prayer in this writ petition reads as follows:

“For the reasons stated in the accompanying affidavit, it is most respectfully prayed that this Hon'ble Court may be pleased to issue a Writ of Mandamus, or any other Order or Direction, in the nature of Writ, directing the Respondents to consider the objections of the petitioner dated 20.03.2023 within the time stipulated by this Hon'ble Court and pass such further order or orders as this Hon'ble Court may deem fit and proper under the circumstances of the case and thus render Justice.”

2. The apprehension of the petitioner is triggered by the fact that the Revenue Inspector attached to the office of the Tahsildar, Madurai North, has issued a notice on 06.03.2023 for measuring the property in question. The said notice, by itself, would not give a cause of action to the petitioner to move this Court. It is seen that earlier the Highways Department had issued a notice to the petitioner and it was set aside by this Court with liberty to the Authority concerned to proceed further in accordance with law. The prayer for mandamus is sought for on the ground that the Highways Authority as well as the Panchayat are claiming title to the property in question. It is for the Authorities concerned to work out their rights in the manner known to law. If



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at all the petitioner is served with any notice either under the Tamil Nadu Land Encroachment Act, 1905 or the Tamil Nadu Highways Act, 2001, seeking explanation from him as to why he should not be evicted, it is open to him to submit his explanation. It is also open to the petitioner to challenge the order that may be passed either by the Highways Department or the Revenue Department, under the provisions of the relevant enactment. Hence, we do not see any necessity to issue a mandamus as sought for. It is made clear that the Authorities will only take action under law and not interfere with the petitioner's possession of the property in question, except under due process of law.

3. Accordingly, the writ petition is dismissed. No costs.

[R.S.M., J.]

[L.V.G., J.]

19.04.2023

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

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