



W.P(MD)No.14791 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2023

CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD).No.14791 of 2023
and WMP(MD)Nos.12478 and 12479 of 2023

Rajavelu

... Petitioner

Vs

1. The District Collector,
Ramanathapuram.
2. The Revenue Divisional Officer,
Ramanathapuram, Ramanathapuram District.
3. The Tahsildar,
Ramanathapuram, Ramanathapuram District.
4. The Executive Officer,
Mandapam Town Panchayathu (1st Grade),
Ramanathapuram.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records pertaining to the tender in tender notice no. 121/2020 dated 20.04.2023 on the file of the fourth respondent and quash the same.



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For Petitioner : Mr.B.Mahendrarajan
For R1 to R3 : Mr.D.Farjana Ghoushia
Special Government Pleader
For R4 : Ms.S.Jayapriya
Government Advocate

ORDER

The writ petition has been filed in the nature of Certiorari, Certiorari, seeking records relating to the tender in tender notice no. 121/2020, dated 20.04.2023 issued by the fourth respondent/ Executive Officer, Mandapam Town Panchayathu (1st Grade), Ramanathapuram.

2.In the affidavit filed in support of the writ petition, it had been stated that the petitioner is a senior citizen. He was in possession and enjoyment of the property at S.No.10, measuring 2 acres 71 cents at Mandapam Group, Ramanathapuram Taluk, Ramanathapuram, for more than four decades. He has also stated that he is an Ex-service man. He claimed that for allotment of such land, he made an application before the District Collector on 26.02.1979. The said application had been forwarded to the third respondent/ Tahsildar, Ramanathapuram District.



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3.The learned Special Government Pleader, who appears on behalf of the respondents 1 to 3 had forwarded a written statement stating that the petitioner was granted possession of land measuring 0.01.0 ares alone in S.No.10/2 and was not granted possession of larger area of 2 acres 71 cents. Therefore, any possession by the petitioner beyond the area of 0.01.0 ares can be treated only as an encroachment. In order to remove the encroachment and for fencing the land, the fourth respondent had issued a tender notification calling for prospective bidders to offer bids. Questioning the tender notice, this writ petition has been filed.

4.The learned Special Government Pleader contended that in accordance with the provision of Land Encroachment Act, 1905, the petitioner had been issued with Form 7, Form 6 and notice had been sent for his appearance. He had also appeared on 13.02.2023 and he voluntarily accepted to vacate from the larger area, which had been categorized as an encroachment area. The learned Special Government Pleader further contended that consequent to the tender notice, on 02.06.2023 the bids were opened and work order had also been entrusted to one P.Sakunthala. The land which had been allotted to the petitioner in S.No.10/2 to an extent of 0.01.0



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are must not be interfered by the respondents and the petitioner can enjoy that portion of land, nothing more. The writ petition itself is misconceived one.

5.It is noted that a suit pending in O.S.No.54 of 2023 before the Sub Court, Ramanathapuram. By any calculation, it should have been filed in the month of January or February, 2023, ie., only after the issuance of Form 6 and Form 7 and notice to the petitioner wherein he himself appeared on 13.02.2023, which would indicate that the filing of suit is an afterthought and only to deviate the attention of the Authorities he has filed the said suit. The pendency of suit will have no bearing, either for issuance of tender notice or issuance of work order.

6.In view of the above facts, this writ petition stands dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

22.06.2023

NCS : Yes/No
Index : Yes / No
Internet: Yes/ No
PNM



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C.V.KARTHIKEYAN, J.

PNM

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