



W.P. (MD).No.17024 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2023

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THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P. (MD).No.17024 of 2021
and WMP(MD)No.13958 of 2021

Muthusamy

... Petitioner

Vs

1. The District Collector,
Karur District, Karur.
2. The Sub Collector / Revenue Divisional Officer,
Kulithalai Taluk, Karur District.
3. The Tahsildar,
Kulithalai Taluk, Karur District.
4. The Block Development Officer,
Thogaimalai, Karur District.
5. Nagarajan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents 1 to 4 particularly the Respondents 3 and 4 to follow due process of law for surveying the Petitioner house of bearing D.No.9/94, situated at S.No.655/1A, Bharathi Nagar, Kalladai Village, Kulithalai Taluk, Karur District.



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For Petitioner : Mr.R.Murugappan

For Respondents : Mr.K.S.Selva Ganesan (R1 to R4)
Additional Government Pleader

Mr.A.Saravanan (R5)

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents 1 to 4 not to interfere with the subject property belonging to the petitioner and follow due process of law.

2.The case of the petitioner is that he is the owner of the subject property by virtue of a sale deed, dated 13.07.1994. The grievance of the petitioner is that the third and fourth respondents were attempting to interfere with the peaceful possession, without following due process of law. This has compelled the petitioner to file the present writ petition.

3.When the matter was taken up for hearing the learned Additional Government Pleader appearing for the respondents 1 to 4



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submitted that a survey was conducted by the third and fourth respondents, in order to ascertain if any encroachment is made in a Temple property. He further submitted that the third and fourth respondents did not interfere with the possession and enjoyment of the petitioner in the subject property.

4.The learned counsel appearing for the fifth respondent submitted that the present writ petition is an abuse of process of Court. To substantiate this submission, he has produced the order passed in W.P(MD) No.15391 of 2021, dated 26.08.2021. That was a case, where yet another person Velayutham had filed a writ petition seeking for a similar relief as against the very same official respondents to follow the due process of law and not to interfere with the possession and enjoyment of the property. That writ petition was dismissed by the Division Bench by order, dated 26.08.2021.

5.The learned counsel for the fifth respondent further submitted that yet another writ petition has now been filed for a similar relief and therefore this writ petition is an abuse of process of Court. The



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learned counsel for the fifth respondent further submitted that Public Interest Litigation (PIL) in W.P(MD) No.11397 of 2021 was filed for removal of encroachment on the ground that the petitioner and others encroached upon the public property. That writ petition is pending. During the pendency of that writ petition, the Authorities had made a survey in order to ascertain if any encroachment is made. Therefore, it is contended that the petitioner wanted to preempt the action taken by the official respondents.

6.In the considered view of this Court, the present writ petition is an abuse of process of Court. The petitioner and others are trying to somehow pre-empt the officials from ascertaining whether any encroachment is made in the public property. Therefore, one of the person files a Public Interest Litigation with a similar prayer and when that writ petition gets dismissed, the present writ petition is filed by another person for the very same relief. This Court does not find any merit in this writ petition and it does not deserve any consideration from this Court.



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7.In the result this writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

08.11.2023

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

To

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N.ANAND VENKATESH, J.

PNM

**ORDER IN
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