



W.P.(MD) No.18681 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.04.2023

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.18681 of 2021

M.Arunachalam

.. Petitioner

Vs.

1.The Tahsildar,
Andipatti Taluk,
Theni District.

2.The Revenue Inspector,
Andipatti Taluk,
Theni District.

3.The Village Administrative Officer,
Thimmarasanayakanur – Pit – II,
Andipatti Taluk, Theni District.

4.The Executive Officer,
Andipatti Selection Grade Town Panchayat,
Andipatti Taluk, Theni District.

5.Kalavathi

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing respondents 2 and 3 to take action as per the direction given by the first respondent by his



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proceedings in ந.க.எண்.322/2021/ஆ2 dated 18.06.2021 and to direct the fourth respondent to take further action on his proceeding dated 20.09.2021 based on the petitioner's representations dated 07.01.2021 and 07.09.2021 to respondents 1 and 4 respectively.

For Petitioner	:	Mr.V.Santhakumaresan
For RR1 to 3	:	Mr.J.John Rajadurai Government Advocate
For R4	:	Mr.R.Sureshkumar
For R5	:	Mr.J.Vishnu

ORDER

This writ petition is filed for the issue of a Writ of Mandamus, directing respondents 2 and 3 to take action as per the direction given by the first respondent by his proceedings in ந.க.எண்.322/2021/ஆ2, dated 18.06.2021 and to direct the fourth respondent to take further action on his proceeding dated 20.09.2021 based on the petitioner's representations dated 07.01.2021 and 07.09.2021 to respondents 1 and 4 respectively.

2. The petitioner in his affidavit would submit that his cousin one Natarajan has been assigned a house site of Anubandham patta in S.No.



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2193/3 (Plot No.1), now bearing S.No.2694, Muthumariyammankovil Street, Jakkampatti, Andipatti, by the Government in the year 1975. The petitioner would submit that the said Natarajan had constructed a house and was residing therein. However, on account of the heavy monsoon, the house had collapsed and he had moved to an other house where he is now living. Taking advantage of his absence, the fifth respondent has encroached into this house site on the basis of false documents and constructed a new building. The petitioner appears to have sent representations to the first respondent to take action on 07.01.2021 and to the fourth respondent on 07.09.2021. Thereafter, the first respondent had directed respondents 2 and 3 by his proceedings dated 18.06.2021 to conduct a field survey and submit a report. No action has been taken by respondents 2 and 3 to date. It was after the representation was sent to the fourth respondent on 07.09.2021, he had conducted the field survey and perused the revenue documents and other documents available with the Panchayat Office. On such verification, there appears to be certain discrepancies and therefore, he had sent a memo to the fifth respondent to produce the patta, plan approval etc., issued by the Andipatti Town



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Panchayat. The fifth respondent, however has not produced the same.

The Zonal Deputy Tahsildar, Andipatty had issued a statement that the property in question is a grama natham house site. Thereafter, the first respondent has directed respondents 2 and 3 to take action upon his proceedings dated 18.06.2021. Since no steps have been taken by respondents 2 and 3, the petitioner has come forward with the present writ petition.

3. A very perusal of the affidavit would clearly demonstrate that the petitioner no way has an interest over the property in question and the person who is affected is only Natarajan, who has not filed any complaint. The petitioner is attempting to use the jurisdiction of this Court under Article 226 of the Constitution of India to settle personal scores. The same cannot be encouraged and the conduct of the petitioner has to be deprecated. Consequently, this Writ Petition is dismissed. No costs.

19.04.2023

NCC : Yes/No

Index : Yes/No

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P.T.ASHA, J.

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