



W.P(MD)No.14604 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14604 of 2015

and

M.P.(MD)No.1 of 2015

A.Kamayee

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Tahsildar,
Theni Taluk,
Theni District.

3.The Block Development Officer,
Union Office,
Theni.

4.The President,
Unchampatti Panchayat,
Annanji Post,
Theni Taluk,
Theni District.

5.K.Adhikari.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorari, to call for the records of the 4th



W.P(MD)No.14604 of 2015

respondent herein in issuance of impugned notice Na.Ka.No. 4199/2014/P1 dated 17.06.2015 and to quash the same and thereby forebear the respondents from in any manner proceeding to demolish any portion of the property bearing Survey No. 40/1 Situtate at Mela Theru, Unchampatti, Annanji Post, Theni Taluk, Theni District without following the provisions of the Tamil Nadu Panchayatt Act, 1994 and Tamil Nadu Land Encroachment Act or other applicable laws.

For Petitioner : no appearance

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader for R1 to R4
: Mr.M.Saravanan for R5

ORDER

None appears for the petitioner.

2. I went through the contents of the affidavit filed in support of the writ petition. What is under challenge is a communication sent by the Block Development Officer, Theni to the president of the local body,

3. Merely because a copy has been marked to the petitioner, that will not furnish cause of action for mounting a challenge. If any consequential action is taken, the petitioner can always move this Court. I doubt if the petitioner will have any legal right as such. This is because the impugned communication talks about the removal of the encroachment on the water body.



W.P(MD)No.14604 of 2015

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4. Granting liberty to the petitioner to question any consequential action, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2023

Index : Yes / No
Internet : Yes/ No
rmi

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W.P(MD)No.14604 of 2015

G.R.SWAMINATHAN, J.

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