



W.P.(MD)No.21112 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.21112 of 2023
and
W.M.P(MD)Nos.17513 & 17515 of 2023

Karunakaran

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified mandamus, to call for the records relating to the notice dated 14.06.2023 bearing Na.Ka.A6/5204/2023 issued by the Respondent No.2 and quash the same and further direct the respondents to consider the explanation sent by the petitioner dated 26.06.2023 for the assignment of the land in S.No.1388/1 measuring 72 square meters, in Solapuram Village, Rajapalayam Taluk, Virudhunagar District.



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For Petitioner :Mr.Y.Prakash
For Respondents :Mr.S.P.Maharajan
Special Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondent.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. This writ petition is filed challenging the show cause notice issued by the second respondent in the writ petition asking the petitioner to show cause why his encroachment in Survey No.1388/1 situated at Solapuram Village, Rajapalayam Taluk, Virudhunagar District cannot be removed.



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4. It is the case of the petitioner that he has purchased the property in Survey No.1384 measuring an extent of 4 acre 61 cents. The encroachment alleged is not in the survey number, in which, the petitioner purchased the plots. It is not in dispute that the respondents are now taking the proceedings for eviction of encroachers in Survey No. 1388/1, which is classified as Government Poramboke. In response to the show cause notice, the petitioner himself has given a representation to the Tahsildar that he is in enjoyment of the land for the past several years and that his enjoyment is in continuation of enjoyment of his predecessor-in-interest, who sold the property adjacent to the property in Survey No.1388/1. Therefore, the claim of title is not seen from any document. The petitioner himself in his representation has requested the respondents to assign the land, in which, he is in enjoyment for the market price that may be determined by the second respondent. Therefore, the petitioner's claim of title cannot be sustained. The petitioner though states that the property is Grama Natham, no document is produced to sustain such an argument. By the impugned proceedings, the Tahsildar has shown the property in S.No.1388/1 as Government Poramboke. In the said circumstances, the writ petition challenging the



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impugned notice is not maintainable.

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5. In such circumstances, this Court finds no merit to entertain the writ petition. Accordingly, the writ petition is dismissed. However, it is open to the petitioner to raise his objection, if any, before the Tahsildar concerned and the Tahsildar shall consider the same in accordance with law and pass appropriate orders. No costs. Consequently, connected miscellaneous petitions are closed.

[S.S.S.R., J.] [D.B.C., J.]
30.08.2023

Index : Yes / No
NCC : Yes/No

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To

- 1.The District Collector,
Virudhunagar District,
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and

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