



W.P(MD)No.29275 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.29275 of 2022
and
W.M.P(MD)No.23239 of 2022**

Karuppaiah

... Petitioner

VS.

- 1.The District Collector,
Office of the District Collector,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sathoor,
Virudhunagar District.
- 3.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.
- 4.The Block Development Officer,
Rajapalayam Taluk,
Virudhunagar District.
- 5.The Village Administrative Officer,
Sundarajapuram Village Panchayat,
Rajapalayam Taluk,
Virudhunagar District.



W.P(MD)No.29275 of 2022

WEB COPY

6.The President,
Sundarajapuram Village Panchayat,
Rajapalayam Taluk,
Virudhunagar District.

7.Gunasekaran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 not to evict or demolish the building situated at Survey No.429/38, Sundararajapuram Village, Rajapalayam Taluk, Virudhunagar District till the disposal of original suit in O.S.No.105 of 2022 pending before the Principal Sub Court, Srivilliputhur in accordance with law.

For Petitioner : Mr.R.Alagumani

For RR 1 to 6 : Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 6 not to evict or demolish the building situated at Survey No.429/38, Sundararajapuram Village, Rajapalayam Taluk, Virudhunagar District till the disposal of original suit in



W.P(MD)No.29275 of 2022

WEB COPY O.S.No.105 of 2022 pending before the Principal Sub Court, Srivilliputhur in accordance with law.

2.Today, when the matter is taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 to 6 drawn the attention of this Court to the order passed by this Court, dated 17.11.2022 in W.P(MD)No.1989 of 2022, which was filed by the 7th respondent seeking to remove the encroachment made in Survey No.429/38, Sundarajapuram Village, Rajapalayam Taluk, Virudhunagar District, wherein this Court held as follows:-

"4.Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the representation of the petitioner dated 20.12.2021, on merits and in accordance with law. If there is any encroachment, the authorities concerned shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs."



W.P(MD)No.29275 of 2022

WEB COPY

3.The learned Additional Government Pleader submitted that pursuant to the abovesaid order, dated 17.11.2022, the respondent authority has conducted an enquiry on 31.12.2022 and further enquiry will be held on 13.02.2023 and he further submitted that sufficient opportunity will be afforded to the petitioner.

4.In view of the abovesaid submission, we are not inclined to interfere with the said enquiry proceedings and the third respondent is directed to complete the proceedings within the stipulated time as directed by this Court in W.P(MD)No.1989 of 2022, dated 17.11.2022, after affording sufficient opportunity of personal hearing to the petitioner and other parties concerned and by following due process of law. Till such time, no coercive steps shall be taken by the authority concerned.

5.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
02.01.2023

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



W.P(MD)No.29275 of 2022

WEB COPY

To

- 1.The District Collector,
Office of the District Collector,
Virudhunagar District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sathoor,
Virudhunagar District.
- 3.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.
- 4.The Block Development Officer,
Rajapalayam Taluk,
Virudhunagar District.
- 5.The Village Administrative Officer,
Sundarajapuram Village Panchayat,
Rajapalayam Taluk,
Virudhunagar District.
- 6.The President,
Sundarajapuram Village Panchayat,
Rajapalayam Taluk,
Virudhunagar District.



WEB COPY



W.P(MD)No.29275 of 2022

D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.29275 of 2022

DATED : 02.01.2023