



W.P(MD)No.28153 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.11.2023

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.28153 of 2023
and
W.M.P.(MD)Nos.24234 and 24235 of 2023

S.Baluchamy

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Ilaiyangudi Taluk,
Ilaiyangudi,
Sivagangai District.

3.The Assistant Engineer (WRO),
Irrigation Section – II,
Ilaiyangudi,
Sivagangai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus,



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calling for the records relating to the impugned notice issued by the 3rd respondent vide his proceeding in Letter No.40/VuPo/2022/Ilai2/ dated 03.11.2023 and quash the same as illegal and consequently direct the respondents to permit the petitioner to run the tea shop located in Survey No.399 situated at bearing Door No.388, Viswanathapuram, Vallakulam Revenue Village, Ilaiyangudi Taluk, Sivagangai District thereby considering his predicament situation and permanent disability.

For Petitioner : Mr.B.Prahalad Ravi

For Respondents : Mr.K.Balasubramani,
Spl. Government Pleader.

ORDER

Heard both sides.

2.The petitioner has been running a tea shop in the petition mentioned site for several years. He has now been served with an eviction notice. Challenging the same, the present writ petition came to be filed.

3.We called upon the learned counsel for the petitioner to convince us that he is not an encroacher. No proper explanation is forthcoming.



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In fact, the materials enclosed in the typed set of papers clearly indicate that the petitioner has admitted his encroachment. Therefore, the action for removal of encroachment cannot be interfered with.

4.At the same time, we need to take note of the contention of the petitioner that he has been selectively targeted. Though this cannot be a ground for interfering with the impugned order, we direct the respondents to take action against all the persons who had encroached the petition mentioned supply channel.

5.This writ petition is dismissed with the aforesaid direction. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.S.J.) & (B.P.J.)
30.11.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

ias

To:-

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Sivagangai.
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