



W.P.(MD) No.2480 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2480 of 2024

and

W.M.P.(MD)No.2474 of 2024

T.Vadivel

... Petitioner

-Vs-

1.The District Collector,
Theni, Theni District.

2.The Tahsildar,
Andipatti, Theni District.

3.The Block Development Officer,
Village Panchayat,
Andipatti Taluk,
Theni District.

4.The President,
Ethakovil Panjayat,
Andipatti Union,
Theni District.

5.T.Rathinavel

... Respondents

Page 1 of 6



W.P.(MD) No.2480 of 2024

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the notice issued by the fourth respondent dated 22.01.2024 quash the same as illegal and further directing the second respondent to issue patta to the petitioner for the land comprised in survey No.1666 situated at Chithayagoundanpatti Village, Andipatti, 2nd Bit, Theni District in the light of the order passed by this Court in W.P.(MD)No.14784 of 2019 dated 03.07.2019.

For Petitioner	: Mr.A.Jayaramachandran
For R3 & R4	: Mr.N.Satheeshkumar Additional Government Pleader
For R1 & R2	: Mr.T.Amjadkhan Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the notice issued by the fourth respondent dated 22.01.2023 directing the petitioner to remove the encroachment made in Survey No.1652 and 1666 at Chithayagoundanpatti Village, Andipatti, 2nd Bit, Theni District, the petitioner has filed the present writ petition.



W.P.(MD) No.2480 of 2024

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2.Mr.N.Satheeshkumar, learned Additional Government Pleader takes notice for the respondents 3 & 4 and Mr.T.Amjadkhan, Government Advocate takes notice for the respondents 1 & 2. Considering the nature of order going to be passed, notice to the fifth respondent is dispensed with. By consent of both parties, this writ petition is taken up for final disposal at the time of admission itself.

3.The learned counsel for the petitioner submits that the petitioner is the owner of the property in Survey No.1652/1A at Chithayagoundanpatti Village, Andipatti, 2nd Bit, Theni District. The land adjacent to the petitioner's land in Survey No.1666 is a Government Poromboke land. The petitioner is in enjoyment and possession of the said land for decades together as their forefathers had given their own land adjacent to the government land, for the usage of the village people. The petitioner is doing agricultural activities in his own patta land as well as in the government land. He had also constructed a house and put up a bore well. While that being so, the official respondents have issued the eviction notice directing the petitioner to remove the encroachments in the government land. Challenging the same, several litigations were filed by



W.P.(MD) No.2480 of 2024

the petitioner as well as against the petitioner by the rival parties. The said writ petitions were disposed of by directing the official respondents to follow the Rules in force. Now the present writ petition is filed challenging the eviction notice issued by the respondents directing the petitioner to remove the bore well put up by the petitioner in the government land for the purpose of irrigating the agricultural lands of the petitioner.

4.The learned counsel appearing on behalf of the official respondents submits that part of the encroachments were already removed by following the procedures contemplated under law and as per the directions issued by this Court in the earlier round of litigations. Now the present eviction notice is issued to remove the bore well put up by the petitioner, since the petitioner has put up the bore well encroaching upon the government property.

5.It is an admitted fact that the property in question belongs to the Government and the petitioner had encroached upon the same for years together. The actions taken by the competent authorities were being challenged by the writ petitioner on several occasions in one way or other from the year 2018 and the petitioner did not allow the authorities to proceed with the eviction. At present,



W.P.(MD) No.2480 of 2024

part of the encroachments made by the petitioner in the government land were already removed by following due procedure of law.

6.In view of the discussions made above, this Court is not inclined to interfere with the present eviction notice issued by the official respondents, Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
07.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Page 5 of 6



WEB COPY



W.P.(MD) No.2480 of 2024

D.KRISHNAKUMAR, J.

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R.VIJAYAKUMAR, J.

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W.P.(MD)No.2480 of 2024

07.02.2024