



W.P.(MD)No.10393 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.(MD)No.10393 of 2024

and

W.M.P.(MD)No.9366 of 2024

S.Priyanka

: Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Palani Taluk,
Dindigul District.

3.The Executive Engineer,
Balasumudram Town Panchayat,
Dindigul District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, to call for



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the records of the third respondent in his proceedings in ந.க.எண். 577/2023/அ2 நாள் 05.04.2024 and quash the same as without devoid of merits and consequently direct the respondents not to disturb the possession in Survey No.38 to an extent of 21 sq.meter situated at Balasamudram Town Panchayat, Palani Taluk, Dindigul District and to consider the petitioner's representation dated 25.03.2023 and issue a free patta to the petitioner by the second respondent.

For Petitioner : No appearance

For Respondents : Mr.S.Saji Bino,

Special Government Pleader

ORDER

[Order of the Court was made by R.SURESH KUMAR, J.]

The prayer sought for herein is for a Writ of Certiorarified Mandamus, to call for the records of the third respondent in his proceedings in ந.க.எண்.577/2023/அ2 நாள் 05.04.2024 and quash the same and consequently to direct the respondents not to disturb the possession in Survey No.38, to an extent of 21 sq.meter situated at Balasamudram Town Panchayat, Palani Taluk, Dindigul District and to consider the petitioner's representation dated 25.03.2023 and issue a free patta to the petitioner by the second respondent.



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2.Though there is no representation for the petitioner, we have heard Mr.S.Saji Bino, learned Special Government Pleader for the respondents and have perused the materials placed before this Court.

3.In the order impugned dated 05.04.2024, the third respondent has directed the petitioner to remove the encroachment to the extent of 21 sq.mt. in S.No.38 which belongs to the third respondent ie., Balasamudram Town Panchayat, which is a cart track as per the revenue records. In this regard, the first notice has already been given on 10.10.2023, to the petitioner to remove the encroachment. Despite that, since the petitioner has not removed the encroachment, second notice has been issued on 05.04.2024.

4.In this regard, both the notices have been issued for removal of the encroachment, but the petitioner seems to have not responded. However, he has chosen to file the present writ petition to challenge the impugned order dated 05.04.2024, which in fact is a second notice for removal of such encroachment.



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5.If it is a cart track as per the revenue records, where if recently any encroachment is made by the petitioner, that can very well be removed. Therefore, to that extent, notices issued by the third respondent cannot be questioned successfully by the petitioner, without plausible reason. Therefore, we are not inclined to interfere with the said order passed by the third respondent which is impugned herein. Resultantly, the Writ Petition fails.

6.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[R.S.K.,J.] & [G.A.M.,J.]

29.04.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

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and
G.ARUL MURUGAN, J.

MR

ORDER MADE IN
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29.04.2024