



W.P.(MD).No.16182 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 17.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.16182 of 2020
and
W.M.P.(MD).No.13546 of 2020

S.Ramaraj

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Watrap Town and Taluk,
Virudhunagar District.
- 3.The Block Development Officer,
Watrap Panchayat Union,
Virudhunagar District.
- 4.The Panchayat Board,
Represented by its President,
Maharajapuram Village Panchayat,
Watrap Taluk,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pending on the



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file of the third respondent and quash proceedings in ந.க.பி2/2325/2018 dated 28.10.2020 passed by the third respondent and consequently, forbearing the respondents, their men, agents, servants or any persons claiming through them, from removing any articles situated in the land comprised in S.No.239/2, in Maharajapuram Village, Watrap Taluk, Virudhunagar District till the disposal of the suit in O.S.No.75 of 2019 on the file of the learned District Munsif, Srivilliputhur.

For Petitioner : No appearance

For R-1 to R-3 : Mr.S.Shaji Bino

Special Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

Today, when the matter was taken up for hearing, there is no representation for the petitioner.

2. This Writ Petition has been filed challenging the impugned proceedings of the third respondent dated 28.10.2020 and to consequently, forbear the respondents, their men, agents, servants or any persons claiming through them, from removing any articles situated in the land comprised in S.No.239/2, in Maharajapuram Village, Watrap Taluk, Virudhunagar District till the disposal of the suit in O.S.No.75 of 2019 on the file of the learned District Munsif, Srivilliputhur.



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3. The Writ Petition itself is premature, since the challenge has been made only to the preliminary notice issued by the Block Development Officer.

The said notice also states that if the petitioner herein fails to remove the encroachment from the subject lands, eviction proceedings will be initiated against him by the appropriate authorities under the Land Encroachment Act.

4. Since a due opportunity would be given to the petitioner for putting forth his objections, when the eviction proceedings are initiated by the appropriate authorities under the Land Encroachment Act, the challenge to the present notice is premature and unwarranted. Hence, the Writ Petition stands closed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
17.12.2024

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



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- 4.The President,
The Panchayat Board,
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M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

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