



W.P(MD)No.24665 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

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

**W.P(MD)No.24665 of 2018
and
W.M.P(MD)No.22360 of 2018**

T.Umapathi

... Petitioner

VS.

1.The District Collector,
Ramanathapuram District.

2.The Tahsildar,
Paramakudi Taluk Office,
Ramanathapuram District.

3.The Commissioner,
Paramakudi Municipality,
Paramakudi,
Ramanathapuram District.

4.K.Vijay Babu

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the second respondent in Na.Ka.A4-9201-2018 dated 10.12.2018 and quash the same and consequently direct the second

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respondent to survey the entire Survey No.T.S.63, Block 34 Ward G, Paramakudi Taluk, Ramanathapuram District.

For Petitioner : Mr.P.Muthusamy

For Respondent Nos.1 & 2 : Mr.J.Ashok
Additional Government Pleader

ORDER

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

Prayer in this Writ Petition is to quash to impugned order passed by the second respondent, dated 10.12.2018 and consequently to direct the second respondent to survey the entire Survey No.T.S.63, Block 34 Ward G, Paramakudi Taluk, Ramanathapuram District.

2.According to the petitioner, the fourth respondent herein filed a Writ Petition in W.P(MD)No.24520 of 2016 to direct the respondents 1 to 3 to remove obstruction alleged to have been made by the petitioner herein and this Court, by order dated 21.12.2016, directed the respondents 1 to 3 to remove the encroachments which are in existence in T.S.No.63. Subsequent to the same, the petitioner herein filed W.M.P(MD)No.2540 of 2017 in W.P(MD)No.24520 of 2016, to set aside the order passed in



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W.P(MD)No.24520 of 2016, dated 21.12.2016 and this Court by order dated 17.07.2017 stated that '*we clarify the earlier order dated 21 December, 2016, to the effect that the matter shall be considered and disposed of by the respondents 2 to 4 herein on merits and as per law, after issuing notice to the petitioner. In short, the direction given by this Court to remove the encroachment should be construed to be an expression of opinion on the merits of the matter*'. Hence, the petitioner made a representation, dated 17.07.2017 to the first respondent seeking issuance of patta. However, the second respondent vide impugned notice dated 10.12.2018, directed the petitioner to remove the encroachment in the property in question, failing which, the second respondent shall proceed with the demolition on 14.12.2018. Challenging the same, the present Writ Petition has been filed.

3.On a perusal of the impugned order, 10.12.2018, it is seen that already Section 7 and 6 Notices of the Tamil Nadu Land Encroachment Act, 1905 have been issued and the present impugned order is a consequential order. Under such circumstances, the order under challenge cannot be entertained and there is no merit in the Writ Petition.



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4. Accordingly, the Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
27.02.2024

NCC : Yes / No
Index : Yes / No
ps

To

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

ps

ORDER MADE IN
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