



W.P.(MD)No.10735 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND**

THE HON'BLE MS.JUSTICE R.POORNIMA

Writ Petition(MD)No.10735 of 2025

and

W.M.P(MD)No.7993 of 2025

K.Venkatesh

: Petitioner

Vs.

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The Tahsildar,
Thiruvidaimaruthur Taluk Office,
Thiruvidaimaruthur,
Thanjavur District.
- 3.The Executive Officer,
Thirupuvanam Town Panchayat,
Thirupuvanam,
Thanjavur District.
- 4.The Inspector of Police,
Thiruvidaimaruthur Police Station,
Thiruvidaimaruthur,
Thanjavur District.



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5.Gokul

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorarified Mandamus to call for records pertaining to the Impugned order passed by the 3rd respondent herein through his proceedings in Na.Ka.No.38/2025 dated 01.04.2025 and quash the same as illegal and arbitrary and further direct the 1st to 4th respondents herein do not interfere with the petitioner's peaceful possession and enjoyment of the property in survey No.644/52 situated at Ward No.10, Sannathi Street, Thirupuvanam Town Panchayat, Thiruvudaimaruthur Taluk, Thanjavur District.

For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.S.S.Madhavan
Addl. Govt. Pleader (for RR1 & 2)

Mr.M.Sarangan
Addl. Govt. Pleader (for R3)

Mr.A.Albert James
Govt. Advocate (for R4)



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ORDER

DR.G.JAYACHANDRAN,J.

and

R.POORNIMA,J.

The fifth respondent herein has filed a writ petition in W.P.(MD)No. 4581 of 2025, wherein a Division Bench of this Court, by order dated 12.03.2025, has directed the respondent to cause notice to the encroachers and, after obtaining a reply, to act in accordance with law if there is any encroachment. Accordingly, the third respondent has caused notice on 01.04.2025 under Section 128(1)(a)(b) and (2) of the Tamil Nadu Urban Local Bodies Act, 1998 (amendment) 2022. The said notice is under challenge before this Court, stating that the notice is bereft of details.

2. This Court finds that it is an attempt to delay the inevitable removal of unauthorized encroachment. This Court, while considering the earlier writ petition mentioned above, in its order dated 12.03.2025, had clearly stated that the encroacher, if aggrieved, can approach the appellate authority in a manner known to law. If at all a notice issued on



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01.04.2025 is to be challenged, the petitioner ought to have resorted to the appellate remedy as stated in the earlier writ petition. The present writ petition is not sustainable under law. Hence, the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.J.,J.) (R.P.,J.)
17.04.2025

skn

NCC : Yes/No

Index : Yes/No

Internet : Yes/No

To

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and
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and
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