



W.P.(MD) No.20013 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE **K.KUMARESH BABU**

W.P.(MD) No.20013 of 2017
and
W.M.P.(MD) No.16288 of 2017

1.Murugesan (died)

2.M.Rajendran

3.M.Mariyammal

*(P2 and P3 have been substituted vide
order dated 09.01.2025)*

... Petitioners

/vs./

1.The Executive Officer,
Palanichettipatti Town Panchayat,
Theni District.

2.L.Manoharan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records pertaining to the impugned order issued by the first respondent in his proceedings in Na.Ka.No. 230/2012 dated 03.10.2017 and quash the same as illegal and unconstitutional.



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For Petitioners : Mr.A.Joseph Jerry
For R1 : Mr.J.K.Jeyaseelan
Government Advocate
For R2 : Mr.K.Vidhya

ORDER

The challenge in this writ petition is the confirmation of the cancellation of the property tax and the water connection.

2. It is seen that there is a dispute with regard to the property between the petitioner and the second respondent. A report has also been filed by the first respondent indicating that the petitioner had been granted with the planning permission for residential purposes, but the same is being utilized by the petitioner for commercial purposes and that the building has been put only in a portion of the property belonging to the petitioner.

3. It is the claim of the second respondent that the petitioner had encroached a road that was running between the petitioner and the second respondent's property. The report submitted by the first respondent also indicates



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that if the petitioner makes an application through online, his application would be considered in accordance with law.

4. In view of the specific report filed by the first respondent in the typed set of papers dated 25.01.2025, no further adjudication is required to be made in this writ petition. However, it is for the second respondent to workout his rights in the manner known to law on the allegations that the petitioner had encroached upon certain portion of the public pathway, as the same cannot be adjudicated in this writ petition. Action shall be taken by the first respondent against any encroachment of the public pathway.

5. With such liberty, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes / No
mm

27.01.2025



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To

The Executive Officer,
Palanichettipatti Town Panchayat,
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K.KUMARESH BABU, J.

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