

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

W.P. No.25098 of 2015

&

MP.NO.1 OF 2015

P.K. Ravi

Petitioner

Vs.

1. The District Collector,  
Villupuram District,  
Villupuram.
2. The Tahsildar,  
Sankarapuram Post & Taluk,  
Villupuram District.
3. The Executive Officer,  
Sankarapuram Post & Taluk,  
Villupuram District.
4. M. Prakash

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus to call for the records from the 3rd respondent pertaining to the impugned order in A1/21/2013 dated 27.10.2014 and quash the same and consequently directing the 1st and 2nd respondents herein to resurvey the petitioners land comprised in Old S.No.53/2 in R.S.No.53/2A2 Near bus stand, Sankarapuram , Villupuram District spread over 0.7 cents.

For petitioner

Mr. P. Vijendran

For respondents

Mr. P.S.Sivashanmugasundaram  
Spl. Govt. Pleader - R1 & R2

Mrs. P. Rajalakshmi - R3

ORDER

(Order of the Court was made by SATISH K. AGNIHOTRI, J.)

Mr. P.S.Sivashanmugasundaram, learned Special Government Pleader accepts notice on behalf of the respondents 1 and 2 and Mrs. P. Rajalakshmi, learned counsel, accepts notice on behalf of the third respondent. With the consent of the learned counsel for the petitioner, learned Special Government Pleader and the learned counsel for the third respondent, the writ petition is taken up for final disposal, at the admission stage itself.

2. Assailing the legality of the order dated 27.10.2014 passed under Section 216(2) of the Tamil Nadu District Municipalities Act, 1920 ( for short " the Act"), whereby, he has been asked to vacate the land in question within a period of 15 days, the petitioner has come up with this writ petition on the ground that the said land does not belong to the Panchayat. On the contrary, the said land is a Natham land and as such, the Executive Officer of the third respondent Panchayat has no jurisdiction to direct the petitioner to vacate the land in question. Thus, the impugned order may be quashed for want of competency and jurisdiction.

3. On a perusal of the impugned notice, we notice that the same does not deal with only vacation from the land but also removal of the structure. Be that as it may, without expressing any opinion on the nature of the land and also the purport of the notice, we grant two weeks time to the petitioner to place his case before the authorities concerned, raising all his objections and also objection of jurisdiction, if so advised. The authorities concerned are directed to consider the case of the petitioner, adverting to each and every objection raised by him and pass a final and reasoned order and also take consequential action thereafter, if necessary.

4. The writ petition stands disposed of with the above direction. Consequently, connected miscellaneous petition is closed. Costs made easy.

Sd/-  
Asst.Registrar (CS V )

/true copy/

Sub Asst. Registrar

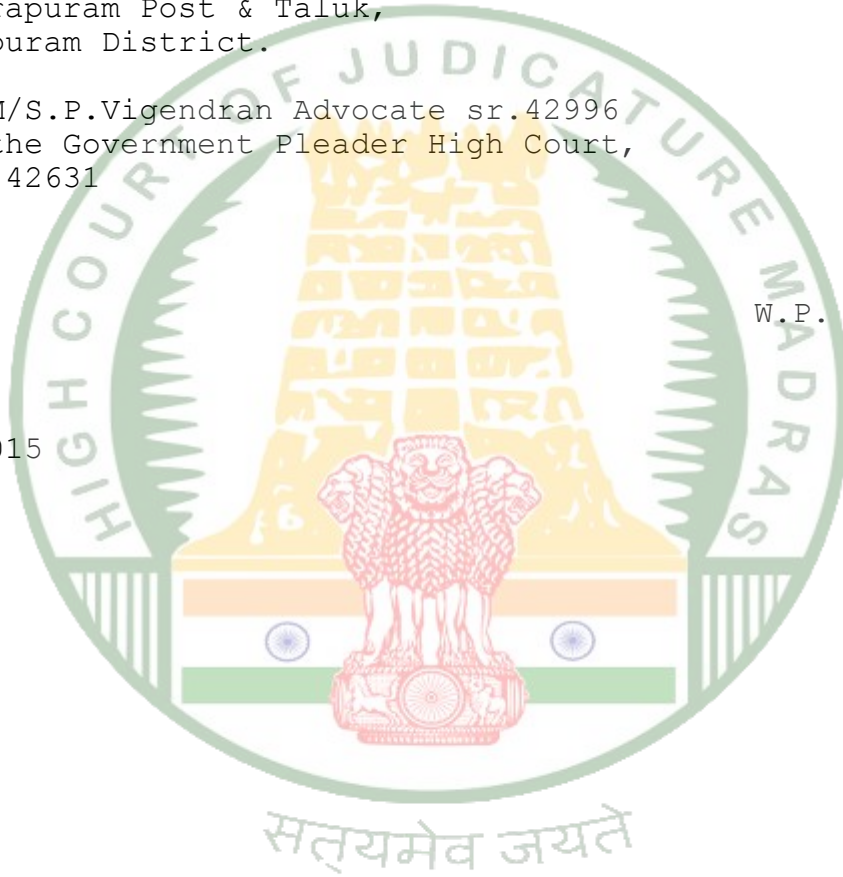
To

1. The District Collector,  
Villupuram District,  
Villupuram.
2. The Tahsildar,  
Sankarapuram Post & Taluk,  
Villupuram District.
3. The Executive Officer,  
Sankarapuram Post & Taluk,  
Villupuram District.

+1 cc to M/S.P.Vigendran Advocate sr.42996  
+1 cc to the Government Pleader High Court,  
Madras sr.42631

W.P. No.25098 of 2015

aa28/08/2015



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