



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2015

C O R A M

THE HONOURABLE Mr. JUSTICE R. SUBBIAHWrit Petition (MD) No.726 of 2015
and
M.P. (MD) No.1 of 2015

S. ABDUL JABBAR

.. Petitioner

Vs.

1. THE DISTRICT COLLECTOR,
RAMANATHAPURAM DISTRICT,
RAMANATHAPURAM.
- 2 THE REVENUE DIVISIONAL
OFFICER,
RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
3. THE TAHSILDAR,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
4. THE REVENUE INSPECTOR,
R.S. MANGALAM, THIRUVADANAI,
RAMANATHAPURAM DISTRICT.
5. THE EXECUTIVE OFFICER,
TOWN PANCHAYAT OFFICE, R.S. MANGALAM,
THIRUVADANAI TALUK,
RAMANATHAPURAM DISTRICT.

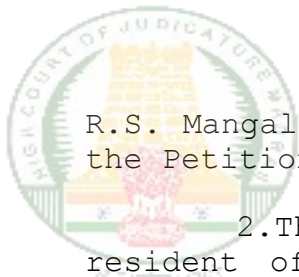
.. Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents from remove the fencing which is put up in southern side of my lands in Survey No. 79/2A and 79/1 to measuring an extent 3900 square Meter situated at R.S. Mangalam, Thiruvadanai Taluk Ramanathapuram District by considering the Petitioner's representation dated 13.01.2015 and follow the due process of law.

For petitioner ...Mr.V.K.Saravanan
For R1 to R4 ...Mr.M.Murugan
Government Advocate
For R5 ...Mr.S.Kumar
Additional Government Pleader

O R D E R

The writ petition has been filed praying this Court for issuance of a Writ of Mandamus forbearing the respondents from removing the fencing which is put up in southern side of petitioner's lands in Survey No. 79/2A and 79/1 measuring to an extent 3900 square Meter situated at



R.S. Mangalam, Thiruvadanai Taluk Ramanathapuram District by considering the Petitioner's representation dated 13.01.2015.

2.The case of the petitioner is that the petitioner is the resident of R.S.F.Mangalam Village, Thiruvadanai Taluk, Ramanathapuram District. The petitioner is owning an ancestral property in Survey No.79/2A and 79/1 measuring to an extent of 5850 square meter situated at R.S.Mangalam, Thiruvadanai Taluk, Ramanathapuram District with length about North-South 90 meters and West-East 65 meters. The petitioner's family is in possession and enjoyment of the same without any disturbance from anybody. They were also regularly paying necessary tax without any failure upto date. After the demise of the petitioner's father, the petitioner and his brother is in possession and enjoyment of the property. They have joint patta in respect of the said land. The said is classified as Natham Manai as per revenue records they have constructed two houses in the said land. Among the two houses, one is a pucca building and another one is a thatched house and further, there is a vacant land for their use in the front and southern side of the houses. While so, they had sold the part of the said land in southern side to an extent of 1950 square meters to one Mr.Amirsulthan. The said Amirsulthan has also constructed a house.

3.In these circumstances, on 12.01.2015, the fifth respondent came to the petitioner's land and orally ordered to remove the above fencing, failing which, they themselves will remove it very soon stating that the vacant place is a common pathway. Hence, the petitioner has come forward with the present writ petition.

4.Heard the learned counsel for the petitioner; learned Government Advocate appearing for R1 to R4 and the learned Additional Government Pleader appearing for R5.

5.The main grievance of the petitioner is that the respondents without any reason, orally ordered him to remove the fencing, which was in southern side of the house.

6.Considering the submission of the learned counsel for the petitioner, this Court is of the view that if the respondents intended to initiate action with regard to removal of fencing, they shall issue a notice to the petitioner and conduct an enquiry and thereafter pass appropriate order. Hence, in the event of the respondent initiate any action to remove the fencing, it is made clear that they have to issue notice and conduct enquiry and pass an appropriate order.

7.Accordingly, the writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar



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+1CC to Mr.V.K.Saravan ADV. SR.No.43542
+1CC to Spl.Government Pleader SR.No.43986

W.P. (MD)No.726 of 2015
Dated: 03.08.2015

GJM 20.8.15-3P-8C