

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.9.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.32458 of 2016  
and  
W.M.P.Nos.28154 & 28155 of 2016

N.Subramani

Petitioner

Versus

1 The District Collector  
Erode Erode District.

2 The Tashildar  
Tashildar Office  
Perundurai Taluk  
Erode District.

3 A.K.Balasubramanian

Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorari calling for the records of the 2nd respondent in and by his proceeding on 24.08.2016 in Na.Ka.1748/2016/A8 and quash the same.

For petitioner : Mr.A.Sundaravadhanan

For RR1 and 2 : Ms.Vasudha Thiagarajan, AGP

ORDER

(Order of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the petitioner and Ms.Vasudha Thiagarajan, learned Additional Government Pleader, who is directed to take notice.

2. The case of the petitioner is that he is the owner of the land in question and one of the boundaries of such land is Government Oodai whereas the third respondent to wreak vengeance due to the action of the petitioner and other villagers in representing before the first respondent about the patta obtained by the third respondent by influence, lodged a complaint before the second respondent and based on such

complaint, eviction proceedings has been initiated by the second respondent against the petitioner. Hence, the present writ petition has been filed.

3. The contention of the petitioner is that on a writ petition filed by one of the villagers viz., P.Deivasigamani, the First Bench of this court passed an order directing the authorities to probe into the matter of issuance of patta in the name of the brother and his family members of the third respondent herein and as a counter blast, the present proceedings has been initiated against the writ petitioner at the instance of the third respondent in such process, the grievance of the petitioner is that, though he is ready and willing to abide by the rules and to remove any encroachment, if so found, the measurements were not taken in his presence.

4. In view of the above, the writ petition is disposed of with a direction to the respondent-authorities to take the measurements in the presence of the petitioner, after notice to him, on 5th October and thereafter, pass orders, on merits and in accordance with law within fifteen days thereafter. Till then, status quo shall be maintained by the parties. The connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1 The District Collector  
Erode Erode District.

2 The Tashildar  
Tashildar Office  
Perundurai Taluk  
Erode District.

+1cc to Mr.A. Sundaravadhanan, Advocate, S.R.No.52486  
+2ccs to the Government Pleader, S.R.No.52803

TRM(CO)  
EU(29/09/2016)

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