

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2016

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P.No.40269 of 2016

and

W.M.P.No.34315 of 2016

Subramaniyan

.. Petitioner

-vs-

1.The District Collector,
Perambalur District,
Perambalur.

2.The Revenue Tahsildar,
Kunnam,
Kunnam Taluk,
Perambalur District.

3.Block Development Officer,
(Village Panchayat)
Veppur,
Veppur Panchayat Union,
Perambalur District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari calling for the concerned records relating to the impugned order Na.Ka.Aa4/1706/2016 dated 04.11.2016 passed by the 3rd respondent and quash the same.

For Petitioner : Mr.E.P.Senniyangiri
For Respondents : Mr.T.N.Rajagopalan
Spl. G.P. for R1 to R3

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The impugned letter dated 04.11.2016 has been issued by the Block Development Officer, Veppur/respondent No.3 for removal of the encroachment by the petitioner in respect of the land in Survey No.88 situated in Nannai village, Kunnam Taluk, Perambalur District, which is stated to be the water body poramboke land. The case of the petitioner is that he does not have any right in the said Survey Number, but he has built a house in S.F.Nos.93/6B and 93/6C. It is, however, submitted that actually his house is sought to be targeted.

2. We are of the view that this is an issue of demarcation. As the petitioner does not claim any right over the water body, we deem it appropriate to have demarcation to be carried out, to determine whether the petitioner has encroached on the water body or his house stands in patta land, as alleged by the petitioner. The demarcation be carried out by the Revenue Tahsildar, Kunnam/respondent No.2, through the Surveyor within fifteen days from the date of receipt of the copy of this order. Dependent on the result of the survey, respondent No.3 would be free to proceed in pursuance to the impugned letter.

3. The writ petition, accordingly, stands disposed of. No costs. Consequently, W.M.P.No.34315 of 2016 is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

bbr
To

- 1.The District Collector,
Perambalur District,
Perambalur.
- 2.The Revenue Tahsildar,
Kunnam,
Kunnam Taluk,
Perambalur District.

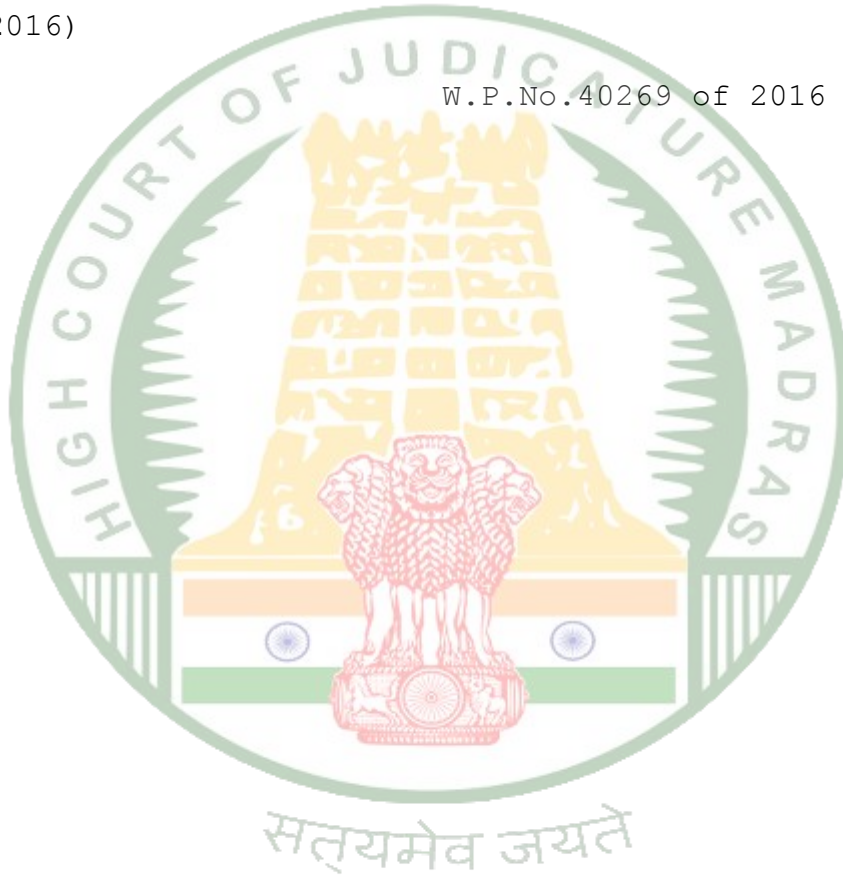
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3.The Block Development Officer,
(Village Panchayat)
Veppur,
Veppur Panchayat Union,
Perambalur District.

+1cc to Mr.G.P. Senniayangiri, Advocate, S.R.No.66197
+1cc to the Government Pleader, S.R.No.66328

nrjk(CO)
md(22/11/2016)

W.P.No.40269 of 2016



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