



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE B.GOKULDAS

W.P(MD)No.10827 of 2016
and
W.M.P.(MD).No.8400 of 2016

R.Chellaiah Thevar

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

3.The Tahsildar,
Sathankulam, Thoothukudi District.

4.S.Muthammal

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records relating to the eviction notice issued by the third respondent in Na.Ka.No.A5/9313/2015, dated 26.05.2016 and quash the same.

For petitioner : Mr.R.Balakrishnan

For Respondents 1 to 3 : Mr.M.Alagathevan
Special Government Pleader

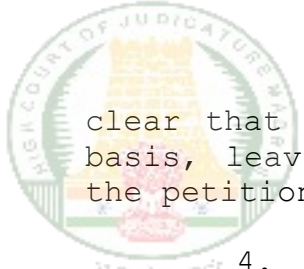
O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

The petitioner challenges the notice issued by the Revenue Tahsildar, Sathankulam, dated 26.05.2016, calling upon him to remove the encroachment, failing which it was indicated that necessary action would be taken in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3.

3. The petitioner earlier filed a Writ Petition before this Court, challenging the eviction notice issued by the third respondent dated 27.10.2015. The Division Bench considered the contentions taken by the petitioner and having found that he was cultivating paddy and was in the process of harvesting, passed an order that the notice shall not be given effect to till the harvest was completed. The Division Bench made it



clear that the removal of encroachment shall not be made on a selective basis, leaving some persons and proceeding only as against persons like the petitioner herein.

4. The petitioner has taken a substantial contention that the persons, similarly situated like him, are also cultivating paddy and action has not been taken against them for eviction.

5. The notice impugned in this Writ Petition is only a show cause notice. The petitioner appears to have given reply to the said notice. The petitioner has taken up a substantial contention regarding selective eviction, taking inspiration from the order passed by this Court dated 06.11.2015 in W.P.(MD).No.20140 of 2015. The respondents 1 to 3 have to evict all the persons, who have encroached upon the land.

6. We direct the third respondent to pass final orders in the matter, taking into account the explanation submitted by the petitioner and the order passed by this Court, dated 06.11.2015, in W.P.(MD). No.20140 of 2015. We make it clear that the petitioner should be evicted only along with the other encroachers.

7. The Writ Petition is disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/
Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar.

To:

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

3.The Tahsildar,
Sathankulam, Thoothukudi District.

+1CC to M/S.R.Balakrishnan, Advocate, SR.No. 32128
+1CC to the Special Government Pleader, SR.No. 32055

ORDER MADE IN
W.P (MD) No.10827 of 2016
21.06.2016

AM/AAL.MPA/SAR-I/27.06.2016/2P/6C