



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD) .No.18305 of 2016

C.Balu

... Petitioner

Vs

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tashildar,
Kalaiyarkoil,
Sivagangai District.

3.I.Chandran

... Respondents

Writ Petition is filed under Article 276 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the second respondent made in proceedings No.Na.Ka.A.4/219/2015 dated 20.09.2016 and to quash the same and to direct the respondents to refrain from demolishing the building and evicting the petitioner without following the legal requirements of law.

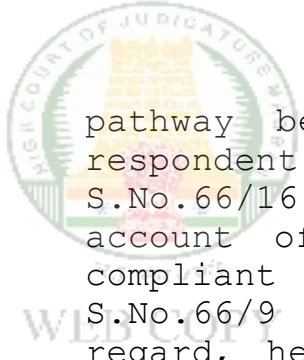
For Petitioner :Mr.Mahadevan for
Mr.M.Sridharan
For R.1& 2 :Mr.VR.Shanmuganathan
Special Government Pleader
For R.3 :No appearance

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the Writ Petition itself is taken up for final disposal.

<https://hcservices.ecourts.gov.in/hcservices> The petitioner claims to have inherited the property in S.Nos.66/9, 66/14, 66/15, 66/17 and 66/18 at Nadamangalam Village, Sivagangai District. According to him, there is a



pathway between his property and the property of the third respondent herein. The third respondent owns property in S.No.66/16 and he has put up superstructure in that property. On account of previous enmity, the third respondent had made a complaint as if the petitioner had constructed a house in S.No.66/9 by encroaching the pathway in S.No.66/17 and in this regard, he also filed W.P.(MD).No.7618 of 2015 to consider his representation and pass orders and this Court also disposed of the same directing the official concerned to consider and dispose of the said representation, in accordance with law.

3. The grievance expressed by the petitioner is that the second respondent while issuing the impugned memo/notice dated 20.09.2016 has indicated as if the petitioner had encroached the lands in S.Nos.66/15 and 16, which are his patta lands and hence, he came forward to file this Writ Petition.

4. When the matter was listed on 22.09.2016, Mr.VR.Shanmuganathan, learned Special Government Pleader accepted notice and sought time to get instructions and accordingly, this matter is listed today.

5. Today, on instructions, learned Special Government Pleader would submit that while issuing the impugned notice dated 20.09.2016, an inadvertent mistake had crept in and it has been wrongly stated the petitioner had encroached upon S.Nos.66/15 and 16 and it was later rectified by the second respondent through a fresh notice in Na.Ka.No.A41219/2015 dated 21.09.2016 sent to the petitioner as well as the third respondent, had called upon to appear before the second respondent on 23.09.2016 at 3.00 p.m.

6. In the light of the said development, nothing survives for adjudication in this matter. The second respondent, in terms of the letter dated 21.09.2016, shall proceed in accordance with law and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar

To:

1.The District Collector,

<https://hcserv01.sivagangai.nic.in> District,

Sivagangai.



2.The Tashildar,
Kalaiyarkoil,
Sivagangai District.

+1cc to M/s.M.Sridharan, Advocate SR.No.56449

+1cc to Special Government Pleader SR.No.56659

W.P (MD) .No.18305 of 2016

27.09.2016

ssm

SD/PV/13.10.2016/3P/5C