



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.10.2016**

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**
AND
THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD].No.20251 of 2016
and
W.M.P. (MD)No.14512 of 2016

Prithiviraj : Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Tahsildar,
Thirumangalam Taluk,
Madurai District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent dated 07.10.2016 proceedings No.Nil and quash the same as illegal, consequently, forbearing the respondents from evicting the petitioner from his peaceful possession and enjoyment of the house property in Door No.70/1, in S.F.No.136/2 of Sengulam Village, Thirumangalam Taluk, Madurai District without following due process of law.

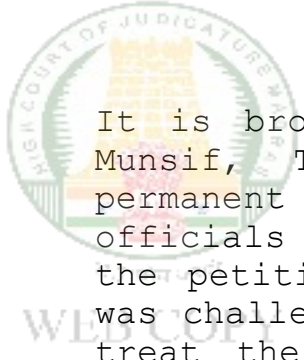
For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.M.Govindan,
Special Government Pleader

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The dispute in this Writ Petition is in respect of the land comprised in S.F.No.136/2 at Sengulam Village, Thirumangalam Taluk in Madurai District. The petitioner claims to be in possession and enjoyment of the said property and he also claims title for the said property. But the Tahsildar has issued the impugned notice for eviction as though the land belongs to the Government.



It is brought to our notice that already the learned District Munsif, Thirumangalam, in O.S.No.428 of 1997, has granted permanent injunction restraining the Tahsildar and the other officials from disturbing the peaceful possession and enjoyment of the petitioner. Earlier, when similar order was passed and that was challenged, this Court issued a direction to the Tahsildar to treat the said order as a notice and pass a detailed order. Despite the same, he has passed the present impugned order.

2. Now, the learned Special Government Pleader would submit that the Tahsildar would withdraw the impugned notice. The same is recorded.

3. In view of the above, no further direction is required in this matter. The Writ Petition is disposed of recording the undertaking of the Tahsildar to withdraw the impugned notice. The respondents are bound by the said undertaking. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

SML

To

1.The District Collector, Madurai District, Madurai.

2.The Tahsildar, Thirumangalam Taluk, Madurai District.

+1 cc to The Special Government Pleader in SR.No. 62943

+1 cc to M/s.T.Vadivelan, Advocate in SR.No.63004

CSL/GSV-PM/03.11.2016:2P/5C

**Order made in
W.P. [MD].No.20251 of 2016
Dated: 21.10.2016**