



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE **S.NAGAMUTHU**

AND

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P. [MD].No.20546 of 2016

and

W.M.P. (MD)No.14704 of 2016

1.Thangaraj

2.Muthulakshmi

: Petitioners

Vs.

1.The Tahsildar,
Musiri Taluk,
Trichy District.

2.The Village Administrative Officer,
Evloor Village, Musiri Taluk,
Trichy District.

3.Ulaganandam

4.Muruganandam

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records comprised in Na.Ka.A4/4846/2016, dated 24.06.2016 issued by the first respondent and quash the same as arbitrary, illegal and without application of mind.

For Petitioners : Mr.K.Prabhakar

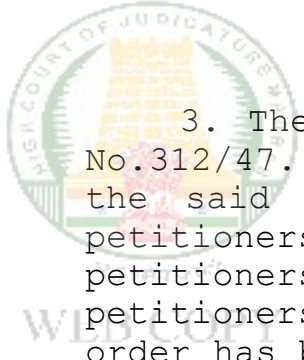
For Respondents 1&2 : Mr.T.R.Janarthanan,
Additional Government Pleader

O R D E R

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

The petitioners have come up with this litigation challenging the proceedings of the Tahsildar, Musiri Taluk, Trichy District, in Na.Ka.A4/4846/2016, dated 24.06.2016.

2. This Writ Petition has come up today for admission. We have heard the learned counsel appearing for the petitioners and Mr.T.R.Janarthanan, learned Additional Government Pleader, taking notice on behalf of the first and second respondents. We do not order notice to the third and fourth respondents, in view of the nature of the order that has to be passed in this Writ Petition.



3. The dispute is in respect of the land comprised in Survey No.312/47. The Tahsildar, in the impugned order, has stated that the said land is a poramboke land and he has restrained the petitioners from making any further construction. But the petitioners claim some right over the said land. According to the petitioners, without affording any opportunity to them, the said order has been passed.

4. In our considered view, without affording opportunity, the Tahsildar ought not to have passed such an order. If really the petitioners have encroached upon any portion of the land, which, according to the Tahsildar, is a poramboke land, he could have initiated the proceedings under the Tamil Nadu Land Encroachment Act. But the Tahsildar has not done so. Therefore, we are unable to appreciate the action of the Tahsildar. In such circumstances, we direct the Tahsildar to treat the impugned order dated 24.06.2016 as a notice under the Tamil Nadu Land Encroachment Act, to afford opportunity to the petitioners and interested parties, hold proper enquiry and then, pass final orders, within a period of three months from the date of receipt of a copy of this order.

5. The Writ Petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

1.The Tahsildar,
Musiri Taluk,
Trichy District.

2.The Village Administrative Officer,
Evoor Village, Musiri Taluk,
Trichy District.

+1 cc to M/s.K.Prabhakar, Advocate in SR.No.63466
SML
CSL/SS-2/08.11.2016: 2P/4C

Order made in
W.P. [MD].No.20546 of 2016
Dated: **25.10.2016**