



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2016

CORAM:

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

W.P. [MD].No.21008 of 2016
and
W.M.P. (MD) Nos.15016 and 15017 of 2016

Ramathal : Petitioner

Vs.

1.The District Collector,
Tirunelveli.

2.The Special Thasildar,
Adi Dravidar Welfare Department,
Sankarankovil,
Tirunelveli District.

: 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 relating to the impugned proceedings issued by the second respondent in Na.Ka.A/628/2015, dated 30.12.2015 and quash the same.

For Petitioner : Mr.AL.Kannan

For Respondents : Mr.S.Chandrasekar,
Government Advocate

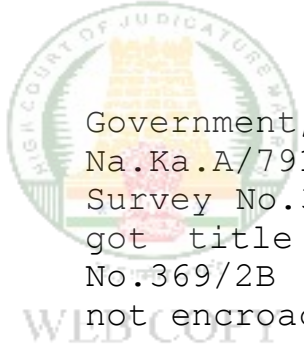
O R D E R

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

The petitioner challenges the proceedings of the second respondent, dated 30.12.2015, wherein the second respondent has directed the petitioner to vacate the property comprised in Survey Nos.369/1 and 369/2B at Majara Venkatachalapuram, Panaiyoor Village, Sankarankovil Taluk. According to the second respondent, the petitioner has encroached upon these two lands.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The petitioner has filed the patta issued by the



Government, by the proceedings of the second respondent in Na.Ka.A/791/95, granting patta for 2 cents of land comprised in Survey No.369/1. Thus, it is quite obvious that the petitioner has got title for 2 cents in Survey No.369/1. So far as Survey No.369/2B is concerned, the petitioner would submit that she has not encroached upon any portion on the said survey number.

3. The learned counsel for the petitioner would further submit that on measuring, if it is found that the petitioner has encroached upon any portion of the land in Survey No.369/2B, the petitioner has got no objection for the second respondent to remove the same summarily. The said statement is recorded.

4. The learned Government Advocate, taking notice for the respondents, would submit that the second respondent would duly measure the property and proceed further according to the said measurement.

5. In view of the above, the Writ Petition is disposed of, directing the respondents not to disturb the possession of the petitioner in Survey No.369/1, but, so far as the land comprised in Survey No.369/2B is concerned, the second respondent shall measure the property and if it is found that the petitioner has made any encroachment on the said survey number, namely Survey No.369/2B, the second respondent shall be at liberty to remove the said encroachment summarily, in which case, the petitioner shall extend full co-operation for such removal, as undertaken before this Court. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

SML

To

1.The District Collector, Tirunelveli.

2.The Special Thasildar,

Adi Dravidar Welfare Department, Sankarankovil,
Tirunelveli District.

+1cc to Spl.Government Pleader Sr.No.65292

+1cc to Mr.AL.Kannan Advocate Sr.No. 65148

JAM/22.11.16/CK/2p-5c