



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.24359 of 2016

and

W.M.P (MD) No.17588 of 2016

Dharmaraj

.. Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Kamudhi Taluk,
Kamudhi, Ramanathapuram.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records of the Impugned Order passed by the second respondent in his proceeding in Na.Ka.P4/10258/2016, dated 29.11.2016 and quash the same.

For Petitioner

: Mr.P.Banuprasath

For Respondents

: Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to call for records relating to the order dated 29.11.2016 passed in Na.Ka.P4/10258/2016 by the second respondent and quash the same by way of issuing a writ of certiorari.

2.It is averred in the petition that the second respondent has issued the impugned notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and further it is averred in the petition that the petitioner has constructed a house in the place mentioned in the notice and further he has also given an objection Without considering the objection given by the petitioner, now the second respondent has tried to evict the



petitioner by way of passing the impugned order and therefore the present writ petition has been filed for getting the relief sought therein.

3. Mr. T. S. Mohammed Mohideen, learned Additional Government Pleader, has taken notice for the respondents.

4. The learned counsel appearing for the petitioner has contended that in the survey number mentioned in the impugned notice the petitioner has constructed a house and due to that he has given an objection on 05.12.2016, but the second respondent has not at all considered the same and therefore the present writ petition has been filed.

5. It is seen from the records that the impugned notice has been given on 29.11.2016, wherein it has been clearly mentioned that Survey No. 596/2 has been classified as a channel in Peraiyur Village.

6. The main gravamen expressed on the side of the petitioner is that he has given an objection on 05.12.2016 and the same has not been considered by the second respondent.

7. Considering the classification mentioned in the impugned notice and also considering the pendency of objection dated 05.12.2016, this Court is of the view to pass the following order.

8. In fine, the second respondent is strictly directed to consider the representation dated 05.12.2016 and dispose of the same within a period of fifteen days from the date of receipt of a copy of this order. With the above observation, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector, Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar, Kamudhi Taluk, Kamudhi, Ramanathapuram.

+One cc to The Special Government Pleader, SR.No.82284

+One cc to Mr. P. Banuprasath, Advocate, SR.No.81818

smn

RL/5C/2P/SKN/5.1.2017

ORDER MADE IN

W.P (MD) No. 24359 of 2016

and

W.M.P (MD) No. 17588 of 2016

20.12.2016