



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2016

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.24918 of 2016

and

W.M.P (MD) No.18015 of 2016

Vellaiyammal

.. Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

3.The Deputy Zonal Tahsildar,
Singampunari,
Sivagangai District.

.. 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 relating to the impugned notice made in Na.Ka/Aa5/8100/2016 dated 15.12.2016 issued by the third respondent and quash the same.

For Petitioner : Mr.D.Sadiq Raja

For Respondents : Mr.M.Govindan,
Special 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 notice dated 15.12.2016 passed in Na.Ka/Aa5/8100/2016 by the third respondent and quash the same, by way of issuing a writ of certiorari.

2.It is averred in the petition that the petitioner is
<https://hservices.courts.gov.in/hservices/> house in Survey No.600/12, North Singampunari and
the third respondent has issued the impugned notice to the



petitioner. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.M.Govindan, learned Special Government Pleader, has taken notice for the respondents.

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4.The learned counsel appearing for the petitioner has contended that in Survey No.600/12 so many houses are in existence, but the third respondent has selectively issued the impugned notice to the petitioner alone and further the impugned notice is not in consonance with law and therefore the same is liable to be quashed.

5.The learned Special Government Pleader appearing for the respondents has contended that in Survey No.600/12 except the house of the petitioner, no other houses are in existence and further the impugned notice has been rightly given under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and therefore the relief sought in the writ petition cannot be granted.

6.On the basis of the divergent contentions putforth on either side, the Court has to analyse as to whether the survey number given in the petition belongs to the Government and also as to whether the impugned notice has been properly given as contemplated under law?

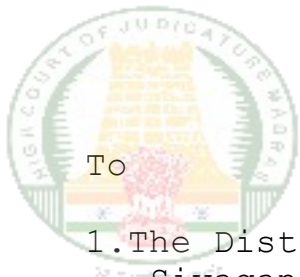
7.It is seen from the records that Survey No.600/12 has been classified as Government Punjai Anathinam. Further it is seen from the records that the impugned notice has been issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905.

8.Considering the fact that the survey number mentioned in the petition is the absolute property of the Government and also considering that the impugned notice has been issued as contemplated under law, this Court is of the view that there is no deviation on the part of the third respondent and therefore the relief sought in the writ petition cannot be granted and altogether the same is liable to be dismissed.

9.In fine, this writ petition is dismissed without costs. However the petitioner is at liberty to submit her explanation to the third respondent within a period of three days and the third respondent is directed to consider the same and proceed further as per law. Consequently, connected Miscellaneous Petition is dismissed.

Sd/-

Assistant Registrar(C.O)



To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Thiruppathur Taluk,
Sivagangai District.

3.The Deputy Zonal Tahsildar,
Singampunari,
Sivagangai District.

+One cc to Mr.D.Sadiq Raja, Advocate, SR.No.83467

+One cc to The Special Government Pleader, SR.No.83569

smn

RL/6C/3P/SKN/SARI/5.1.2017

ORDER MADE IN
W.P (MD) No.24918 of 2016
and
W.M.P (MD) No.18015 of 2016
23.12.2016