

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2017

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND
The Hon'ble MR.JUSTICE M.SUNDAR

W.P.No.3540 of 2017
and
W.M.P.No.3558 of 2017

K.S.Sakthivel

... Petitioner

-Vs-

1. The District Collector,
Namakkal, Namakkal District.

2. The Tahsildar,
Tahsildar Office,
Komarapalayam Taluk,
Namakkal District.

3. The Commissioner,
Komarapalayam Municipality,
Komarapalayam, Namakkal District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari to call for the records of the 3rd respondent in and by his proceeding on 12.07.2016 in Na.Ka. A2/3400/2014 and quash the same.

For Petitioner : Mr.A.Sundaravadhanan

For Respondents : Mr.T.N.Rajagopalan
Special Government Pleader
For RR 1 and 2
: Mr.M.K.Subramanian
Government Pleader for R-3

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O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

Learned counsel for the petitioner undertakes to the Court to withdraw the suit filed by the petitioner, being O.S.No.13 of 2016, before the District Munsif Court, Tiruchengode and thus, that suit will stand dismissed as withdrawn.

2.Learned counsel for the petitioner contends that he is the owner of patta land situated in Pymash No.126A, Komarapalayam, Agragaram Village, and the allegation is of extending this beyond the patta land. The petitioner seeks to deny the same and submits that the measurements were made in the absence of the petitioner and thus, a fresh measurement be carried with.

3.We, thus, direct the third respondent to carry out an inspection with the assistance of the Surveyor (as nominated by the Tahsildar / the second respondent) within fifteen (15) days of the receipt of the order and in case, encroachment is found, the same shall be removed by the petitioner within one (1) month of the date of inspection, failing which the respondent authorities would be free to proceed under the impugned notice.

Writ petition is, accordingly, disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sra

To

1. The District Collector,
Namakkal, Namakkal District.
2. The Tahsildar,
Tahsildar Office,
Komarapalayam Taluk,
Namakkal District.
3. The Commissioner,
Komarapalayam Municipality,
Komarapalayam, Namakkal District.

+1cc to Mr.A.Sundaravadhanan, Advocate, S.R.No.9132
+1cc to the Government Pleader, S.R.No.9439

W.P.No.3540 of 2017

KK(CO)
CA(21/02/2017)