



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.08.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.16098 of 2014

and

M.P (MD) Nos.1 to 3 of 2014

and M.P (MD) No.1 of 2015

Fathimal Beevi

... Petitioner

-vs-

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Sub Collector,
Paramakudi, Ramanathapuram District.

3.The Junior Engineer,
PWD/WRO,
Parthibanur Dam Sector,
Near to Vaigai Guset House,
Madurai-Rameswaram Road,
Paramakudi, Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the third respondent in his proceedings nil dated 29.11.2013 and quash the same as illegal and consequentially to forbear the third respondent from dispossessing the petitioner from his property in Survey No.14 T.S.No.36, Block 9, ward G, to an extent of 0.5 Hectares, in Kattuparamakudi Revenue Village, Paramakudi, Ramanathapuram District covered by judgement and decree in O.S.No.101 of 2005 on the file of the Learned District Munsif Court, Paramakudi.

For Petitioner

: Mr.Mahaboob Athiff

For Respondents

: Mr.T.S.Mohamed Mohideen,

Additional Government Pleader.

O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

This Writ petition is filed for issuing a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the third respondent in his proceedings nil dated 29.11.2013 and quash the same as illegal and consequentially to forbear the third respondent from dispossessing the petitioner from his property in Survey No.14 T.S.No.36, Block 9, ward G, to an extent of 0.5 Hectares, in Kattuparamakudi Revenue Village, Paramakudi, Ramanathapuram District covered by judgement and decree in O.S.No.101 of 2005 on the file of the District Munsif Court,



Paramakudi.

2. Heard the learned counsel appearing for the petitioner, Mr.T.S.Mohamed Mohideen, the learned Additional Government Pleader appearing for the respondents.

3. The Writ Petitioner is aggrieved by the impugned order dated 29.11.2013 issued by the third respondent herein. The writ petitioner would contend that there is a decree issued by the Civil Court in O.S.No.101 of 2005 on the file of the District Munsif Court, Paramakudi governing the issue on hand. The writ petitioner would also contend that she has valid title over the property in question. She also contends that without undertaking a proper survey, the third respondent had issued the impugned notice. More than anything else, she has given a representation in this regard and the same was not taken note of. Since the impugned notice in form No.3 does not indicate that the objections of the writ petitioner were taken note of, we quash the same. The matter is remitted to the file of the third respondent. The third respondent shall give notice to the writ petitioner and undertake a fresh survey. The third respondent is directed to take note of all the relevant aspects including the decree of the Civil Court relied on by the writ petitioner and thereafter pass a fresh order in accordance with law.

4.This writ petition is accordingly allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Sub Collector,
Paramakudi,
Ramanathapuram District.
- 3.The Junior Engineer,
PWD/WRO,
Parthibanur Dam Sector,
Near to Vaigai Guset House,
Madurai-Rameswaram Road,
Paramakudi,
Ramanathapuram District.

+1cc to AJMAL ASSOCIATES in SR. No. 72461

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 72604

SSS/DSS

JS/SV.MMR/SAR.2/20.09.2017/2P-6C

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