

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 25.07.2017****CORAM :**

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.3999 of 2014
and
M.P. (MD) No.2 of 2014**

1.T.Alaguraja
2.T.Periyasamy

... Petitioners

Vs.

The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

... Respondent

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned notice dated 31.01.2014 issued by the respondent and quash the same.

For Petitioners : Mr.R.Venkateshan for M/s.Right Law Associates
For Respondent : Mr.T.S.Md.Mohideen, AGP for R1

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.)

The petitioners filed this writ petition challenging the order dated 31 January 2014 on the file of the respondent directing them to remove the encroachment in respect of the land in S.No.754/10. It is the apprehension of the petitioners that under the guise of removal of encroachment in S.No.754/10, the respondent would evict her from her property in S.No.753/45.

2.The learned counsel for the petitioners contended that the petitioners have no claim in respect to the property in S.No.754/10. The property of the petitioners is situated in S.No.753/45.

3.We direct the respondent to measure the property in S.No. 754/10 and 753/45. In case, it is found that there is an encroachment in respect of the land in S.No.754/10, it is open to the respondent to continue the process of eviction. In case, it is found that the petitioners are in possession of the land in S.No.



753/45, no further action shall be taken against them.

4. The writ petition is disposed of with the above direction.
No costs. Consequently, connected miscellaneous petition is closed.

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/True Copy/

Sd/-

Assistant Registrar(AD-II)

Sub Assistant Registrar

To
The Tahsildar,
Sivakasi Taluk,
Virudhunagar District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No.68389
+1cc to M/s.RIGHT LAW ASSOCIATES in SR. No.68004

SKM/ARUL
JS/GT/SAR.2/10.08.2017/2P-4C

W.P(MD)No.3999 of 2014
25.07.2017