



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.05.2017

CORAM:

WEB COPY

THE HON'BLE Mr.JUSTICE M.V.MURALIDARAN
and
THE HON'BLE Mr.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.10058 of 2017

Thangarasu Pillai

... Petitioner

Vs.

1. The District Collector,
The District Collector Office,
Pudukkottai.
2. The Revenue Divisional Officer,
The Revenue Divisional Office,
Aranthangi Town & Taluk,
Pudukkottai District.
3. The Tahsildar,
Taluk Office, Aranthangi Town & Taluk,
Pudukkottai District.
4. The Revenue Inspector,
Aranthangi Town,
Aranthangi Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari calling for the records relating to impugned notice passed by the 4th respondent dated 19.05.2017 and quash the same as arbitrary and illegal.

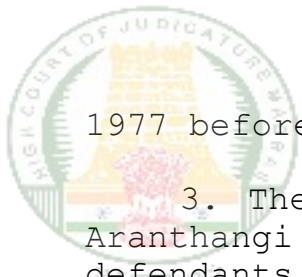
For Petitioner : Mr.K.Balasundharam
For Respondents : Mr.Rajakarthikeyan,
Additional Government Pleader.

ORDER

(Order of the court was made by M.V.MURALIDARAN, J.)

Heard Mr.K.Balasundharam, learned counsel appearing for the petitioner and Mr.Rajakarthikeyan, learned Additional Government Pleader, who takes notice for the respondents.

2. Though the land in S.F.No.18/1 has been in possession of the petitioner's family for several decades, it has been wrongly classified as Vannankulam Poromboke in the Revenue Accounts. One Mohamed Yusuf Rowther and 4 others filed a suit in O.S.No.125 of



1977 before the District Munsif Court, Aranthangi.

3. The said suit was decreed and the learned District Munsif, Aranthangi gave a clear finding that the encroachment of the defendants 2 to 29 does not affect the irrigation right of the plaintiffs.

4. In such circumstances, the 4th respondent issued a notice, dated 19.05.2017 under Section 7 of Land Encroachment Act, 1905, to the petitioner alleging that the above said property was encroached by the petitioner.

5. In view of the fact that notice under Section 7 of Land Encroachment Act, 1905 was issued, the petitioner is directed to give reply within a period of 15 days from the date of receipt of copy of this order. On receipt of such reply, the respondents shall consider the same and pass orders within a period of eight weeks thereafter. Till such time, status quo is to be maintained.

6. In fine, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
The District Collector Office,
Pudukkottai.
2. The Revenue Divisional Officer,
The Revenue Divisional Office,
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Pudukkottai District.
3. The Tahsildar,
Taluk Office, Aranthangi Town & Taluk,
Pudukkottai District.
4. The Revenue Inspector,
Aranthangi Town,
Aranthangi Taluk,
Pudukkottai District.

CM/MYR/KM/TSG

TE/GT/SAR-I : 26/07/2017 : 2P/5C

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W.P. (MD) No.10058 of 2017
25.05.2017