



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P(MD)No.103 of 2017
and
W.M.P(MD)No.72 of 2017

Oorkavalan

.. Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer,
Thoothukudi, Thoothukudi 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 pertaining to the Impugned Eviction Notice issued by the second respondent dated 22.12.2016 in his proceedings in A5/2586/2011-3 and quash the same.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.D.Muruganandam,
Additional 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 order dated 22.12.2016 passed in proceedings No.A5/2586/2011-3 by the second respondent and quash the same, by way of issuing a writ of certiorari.

<https://hcservices.ecourts.gov.in/hcservices/>

2.It is averred in the petition that the petitioner has



purchased Survey No.405/2A3 and put up construction. The petitioner has not encroached any portion of road which situates in Survey No.405/8 and 9. But the second respondent has issued a notice dated 22.12.2016 as if the petitioner has encroached a portion of the road. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents.

4.The learned counsel appearing for the petitioner has sparingly contended to the effect that the petitioner has purchased a house site in Survey No.405/2A3 and put up construction and the petitioner has not encroached any portion of the road which situates in Survey No.405/8 and 9. But all of a sudden, the second respondent has given the impugned notice and under the said circumstances the present writ petition has been filed for getting the relief sought therein.

5.The learned Additional Government Pleader appearing for the respondents has contended that Survey No.405/8 and 9 are nothing but panchayat union road, wherein certain encroachments have been made and for the purpose of removing the same, the second respondent has issued the impugned notice and therefore the relief sought in the petition cannot be granted.

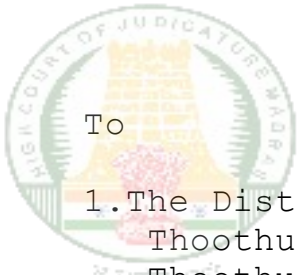
6.On the basis of divergent submissions, the Court can easily discern that adjacent to panchayat union road, the property of the petitioner is situate. Considering the fact that the property of the petitioner is situate adjacent to the road mentioned in the notice, this Court is of the view to pass the following order.

7.In fine, the second respondent is directed to measure Survey No.405/2A3 and also the road which situates in Survey Nos.405/8 and 9 with the assistance of revenue records and if there is any encroachment in Survey No.405/8 and 9 proceed further as per law. With the above observation, this petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

/True copy/



To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Block Development Officer,
Thoothukudi, Thoothukudi District.

+1cc to M/S N.Anandakumar SR. NO.584

+1cc to Special Government Pleader SR. No.866

smn

CSL/AMI/12.01.2017:3P-5C

ORDER MADE IN
W.P (MD) No.103 of 2017
and
W.M.P (MD) No.72 of 2017

04.01.2017