



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.07.2017

CORAM :

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

W.P (MD) No.12700 of 2017
and
W.M.P (MD) .No.9816 of 2017

K.Athilakshmi

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
Sattur, Virudhunagar District.

4.The Tahsildar,
Vembakottai Taluk, Vembakottai,
Virudhunagar District.

5.The Block Development Officer
(Village Panchayat),
Vembakottai, Virudhunagar District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the fifth respondent herein in Na.Ka.B2/250/2016 dated 30.06.2017 and quash the same and consequently direct the respondents to issue patta in the name of the petitioner to S.No.1568 of Keelanmarainadu Village, Virudhunagar District.

For Petitioner : Mr.K.Govindarajan

For Respondents : Mr.T.S.Md.Mohideen, AGP

O R D E R

(Order of the Court was made by G.R.SWAMINATHAN, J.)

The petitioner questions the communication dated 30.06.2017 issued by the Block Development Officer, Vembakottai to the Tahsildar, Vembakottai Taluk.

2.In the said communication, the fifth respondent has called upon the fourth respondent to measure and survey the property and facilitate the removal of the encroachment stated to have been caused by the petitioner and her husband.

3.We have heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

4.The learned counsel for the petitioner would contend that the impugned order is without jurisdiction, since it is in respect of a Natham land, besides, she has applied for grant of patta and her application is still pending. Therefore the question of evicting the petitioner, at this stage, would not arise.

5.Since the impugned order does not appear to have considered the objections of the petitioner and is peremptory in nature, we direct that the impugned communication should not be treated as a final order. A copy of the impugned communication has been marked to the husband of the petitioner. Therefore, the petitioner can very well treat the impugned communication as a show cause notice. She is given two weeks from the date of receipt of a copy of this order to submit her detailed objections to the fourth respondent. The fourth respondent shall conduct a survey of the property in question with reference to the revenue records. It is open to the petitioner to raise all her contentions before the fourth respondent. The fourth respondent shall give notice to the petitioner before proceeding to survey and measure the property. The fourth respondent shall follow due process of law before resorting to any coercive action.

6.The writ petition is disposed of with the observation set out above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

<https://hcvtce.dls.gov.in/services>
The Collector,
Virudhunagar District,
Virudhunagar.



2.The District Revenue Officer,
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3.The Revenue Divisional Officer,
Sattur, Virudhunagar District.

4.The Tahsildar,
Vembakottai Taluk, Vembakottai,
Virudhunagar District.

5.The Block Development Officer
(Village Panchayat),
Vembakottai, Virudhunagar District.

+One cc to The special Government Pleader, SR.No.68719

+One cc to Mr.K.Govindarajan, Advocate, SR>No.68137

skm/Arul

RL/8C/3P/KP/SAR1/9/8/2017

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