



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 08.02.2017

CORAM:

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

W.P (MD) No.1741 of 2017
and
W.M.P (MD) Nos.1420 and 1421 of 2017

G.Bhuvaneshwari

.. Petitioner

Vs.

1.The Revenue Divisional Officer,
Sivakasi Town, Virudhunagar District.

2.The Thasildhar,
Taluk Office, Srivilliputtur Town,
Virudhunagar District.

3.The Block Development Officer (Village Panchayat),
Srivilliputtur Panchayat Union,
Srivilliputtur, Virudhunagar District.

4.The Deputy Block Development Officer IV,
Srivilliputtur Panchayat Union,
Srivilliputtur, Virudhunagar District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records relating to the impugned order of the third respondent in Na.Ka.P1/54/2017 dated 06.01.2017 and quash the same.

For Petitioner : Mr.H.Arumugam

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 06.01.2017 passed in Na.Ka.P1/54/2017 by the third respondent and quash the same, by way of issuing a writ of



2.It is averred in the petition that the third respondent even without surveying Survey No.1031 in the presence of the petitioner has issued the impugned notice as if the petitioner has encroached a portion of the same. Further the petitioner is the owner of Survey No.1032/2B1F and the same is situate immediately on the western side of Survey No.1031. Under the said circumstances, the notice dated 06.01.2017 is totally illegal and the same is liable to be quashed.

3.The learned counsel appearing for the petitioner has contended to the effect that immediately on the western side of Survey No.1031, the property of the petitioner in Survey No.1032/2B1F is situate and in fact the petitioner has not made any encroachment and the real encroachers are Srengammal and others and under the said circumstances the impugned notice dated 06.01.2017 is liable to be quashed.

4.The learned Additional Government Pleader appearing for the respondents has contended that in revenue records Survey No.1031 has been classified as a pathway and since there are certain encroachments, the impugned notice has been issued and therefore the same is not liable to be quashed.

5.It is seen from the records that the property of the petitioner is comprised in Survey No.1032/2B1F and the same is situate immediately on the western side of Survey No.1031.

6.It is an admitted fact that Survey No.1031 is a pathway.

7.The gravamen expressed on the side of the petitioner is that the petitioner has not encroached any portion in Survey No.1031 and the third respondent has not given any eviction notice to real encroachers.

8.As pointed out earlier, the property of the petitioner is comprised in Survey No.1032/2B1F and the same is situate immediately on the western side of Survey No.1031. Since the consistent contention putforth on the side of the petitioner is that the petitioner has not made any encroachment in Survey No.1031 and since the property of the petitioner is comprised in Survey No.1032/2B1F and the same is situate immediately on the western side of Survey No.1031, this Court is inclined to pass the following order.

9.In fine, this writ petition is allowed without costs and the impugned notice dated 06.01.2017 issued by the third respondent is quashed. The third respondent is strictly directed to conduct proper survey in the presence of the petitioner in respect of Survey Nos.1031 and 1032/2B1F and if there is any



encroachment in Survey No.1031, directed to take appropriate action against all the encroachers under due process of law within a period of two months. Consequently, connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

To

- 1.The Revenue Divisional Officer,
Sivakasi Town, Virudhunagar District.
- 2.The Thasildhar,
Taluk Office, Srivilliputtur Town,
Virudhunagar District.
- 3.The Block Development Officer (Village Panchayat),
Srivilliputtur Panchayat Union,
Srivilliputtur, Virudhunagar District.
- 4.The Deputy Block Development Officer IV,
Srivilliputtur Panchayat Union,
Srivilliputtur, Virudhunagar District.

+1cc to M/s.H.Arumugam, Advocate, in SR No.7353

smn

MS/JM/SAR1/09.02.2017/3P 6C

ORDER MADE IN
W.P(MD)No.1741 of 2017
and
W.M.P(MD)Nos.1420 and 1421 of 2017
08.02.2017