



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.11.2017

CORAM:

**THE HONOURABLE MR.JUSTICE M.VENUGOPAL
AND**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE
W.P. (MD)No.20649 of 2017
and
W.M.P. (MD)No.16935 of 2017**

K.Subramani

: Petitioner

-Vs-

1. The District Collector,
Office of the District Collector,
Dindigul District.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Dindigul District.
3. The Thasildar,
Office of the Thasildar,
Vedasandhur,
Dindigul District.
4. The Village Administrative Officer,
Kaanapadi, Vedasandhur Taluk,
Dindigul District.
5. The Firka Surveyor,
Vadamadurai Firka,
Office of Thasildar,
Vedasandhur,
Dindigul 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 of the impugned notice passed by the third Respondent in his proceedings in Na.Ka.No.A5/7158/2017, dated 01.11.2017 and quash the same as illegal.

For Petitioner

: Mr.L.Prabhu

For Respondents

: Mr.M.Govindan,
Special Government Pleader

O R D E R

[Order of the Court was made by **M.VENUGOPAL, J.**]

Mr.M.Govindan, Learned Special Government Pleader, takes notice for the Respondents.

2. Heard both sides. No counter is filed on behalf of the Respondents.

3. By consent, the main Writ Petition itself is taken up for final disposal at the stage of admission.

4. According to the Petitioner, he is an agriculturist and he is carrying out the agricultural operations for the past 25 years. However, due to his shock and surprise, an eviction notice to evict him from the property in S.F.No.403/1B2 in Kanapadi Village, Vadamadurai Sub-Registrar's Office, Veda sandhur Taluk, Dindigul District, was received by him on 09.08.2017 issued by the third Respondent mentioning that he is in occupation of the Government land by means of an encroachment. In fact, he is using the land in question duly for cultivation purpose, such as paddy, coconut grove, bananas and vegetables, etc.

5. The plea of the Petitioner is that he has title in respect of the property in question. He filed W.P.(MD)No.15140 of 2017, wherein, this Court passed necessary orders, directing the third and fourth Respondents to the effect that removal of encroachment should be done only by issuing notice and providing necessary opportunity to him.

6. The Learned Counsel for the Petitioner proceeds to point out that the impugned notice issued by the third Respondent in his proceedings in Na.Ka.No.A5/7158/2017, dated 01.11.2017, was received by him on 03.11.2017, wherein it is stated that the properties in Survey Nos.403, 405, 407 and 408 will have to be measured by the fifth Respondent. The version of the Petitioner is that the afore-stated survey numbers do not have any encroachment and the same are agricultural lands which are in possession and enjoyment of various agriculturists from time immemorial. There is no necessity for the conduct of survey in respect of the afore-said lands.

7. Per contra, it is the submission of the Learned Special Government Pleader that the third Respondent/Tahsildar is carrying out the survey only to find out the aspect of encroachment in the Government poramboke land and after measurement, if it is found out that no encroachment has been made or committed by the Petitioner, then no action will be taken against the Petitioner.



8. Considering the fact that the impugned notice dated 01.11.2017 of the third Respondent addressed to the Block Development Officer, Panchayat Union, Vadamadurai, is an internal communication, this Court is of the considered view that based on the internal communication, no Writ Petition would lie before this Court. Even otherwise, since the third Respondent is going to conduct the survey only with a view to find out as to whether any encroachment in the poramboke land, the Petitioner, in any manner, cannot be prejudiced by the act of the third Respondent. As such, there may not be any impediment for the third Respondent to carry out the survey as per the notice impugned in the present Writ Petition. Viewed in that perspective, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

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Office of Thasildar,
Vedasandhur,
Dindigul District.

+1cc to Mr.L.Prabhu, Advocate Sr.No.86073

SML

VB/MR/KKR/SAR4/21.11.2017/3P/7C