



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE P.KALAIYARASAN

W.P (MD) No.2582 of 2017

and

W.M.P (MD) No.2151 of 2017

Tvl.Goodwill Team Papers Ltd. rep. by its
Managing Director P.Rajendran, S/o.Pandian,
89/1-A, Team Garden,
Uthappanaickanur, Usilampatti Taluk,
Madurai District - 626 537.

.. Petitioner

Vs.

1.The District Collector,
Madurai District, Collectorate,
Madurai - 625 020.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Usilampatti, Madurai District - 625 532.

3.The Revenue Inspector,
1.Uthappanaickanur, Usilampatti Taluk,
Madurai District - 626 537.

.. 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 records pertaining to the impugned proceedings of the third respondent U/s.7 of the Tamilnadu Act 3, 1905 dated 09.02.2017 and quash the same.

For Petitioner

: Mr.R.Veeramanikandan

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 notice dated 09.02.2017 alleged to have been issued by the third respondent and quash the same, by way of issuing a writ of certiorari.

2.The learned counsel appearing for the petitioner has contended that the petitioner has not encroached any portion of the Government land which has been classified as a runnel and the same belongs to the Government, but the third respondent has issued notice in contravention to the proceedings of the Revenue



Divisional Officer dated 02.01.2016, wherein it is found that no encroachment is in existence in Survey No.88 and under the said circumstances the present writ petition has been filed for getting the relief sought therein.

3.The learned Additional Government Pleader appearing for the respondents has contended to the effect that in Uthappanaickanur Village, Survey No.88 has been classified as Government runnel and since there are certain encroachments, the notice in question has been issued to the petitioner.

4.It is seen from the impugned notice that Survey No.88, Uthappanaickanur Village, has been classified as a runnel, which belongs to the Government.

5.The learned counsel appearing for the petitioner has also contended to the effect that the authorities have already surveyed the land of the petitioner which situates adjacent to Survey No.88.

6.Considering the classification of Survey No.88 and also considering the fact that the petitioner has not made any encroachment in Survey No.88, this Court is inclined to pass the following order.

7.In fine, the third respondent is directed to conduct proper survey in respect of Survey No.88, Uthappanaickanur Village and if there is any encroachment, directed to remove the same under due process of law. With the above observations, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Madurai District, Collectorate,
Madurai - 625 020.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Officer,
Usilampatti, Madurai District - 625 532.

3.The Revenue Inspector,
1.Uthappanaickanur, Usilampatti Taluk,
Madurai District - 626 537.

+1cc to M/s.Rooban Advocate in SR. No.8677

+1cc to SPECIAL GOVERNMENT PLEADER in SR. No.8932

SMN/JS/BS/27.02.2017/2P-6C

ORDER MADE IN

W.P(MD)No.2582 of 2017

and

W.M.P(MD)No.2151 of 2017