



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.2617 of 2017
and
W.M.P. (MD) No.2170 and 2171 of 2017

1.Bowjil Harima

2.Sabira

.. Petitioners

Vs.

The Executive Officer,
Selected Grade Town Panchayat,
Aathirampattinam,
Thanjavur District.

.. Respondent

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 relating to the proceedings of the impugned notice of removal of encroachment passed by the respondent in Na.Ka.No.248/16/A2 dated 09.01.2017 in respect of property situated in survey No.261/39 Chettiyakulam, Aathirampattinam, Thanjavur District and quash the same as illegal.

For Petitioners : Mr.C.Bharathi

For Respondent : Mr.D.Muruganantham
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 09.01.2017 passed in Na.Ka.No.248/16/A2 by the respondent and quash the same, by way of issuing a writ of certiorari.

<https://hcservices.ecourts.gov.in/hcservices/>
29.11.2017
Mr.D.Muruganantham, learned Additional Government Pleader, has taken notice for the respondent.



3.It is averred in the petition that on 07.12.2016 in W.P (MD)No.23716 of 2016, this Court has directed the respondent to remove encroachments which are in existence in Survey No.261/39, classified as Chettiyakulam. Further it is averred in the petition that the property of the petitioners is comprised in Survey No.261/23. The petitioners have not made any encroachment and therefore the impugned notice dated 09.01.2017 is liable to be quashed.

4.It is an admitted fact that in W.P(MD)No.23716 of 2016, this Court has directed the respondent to remove all encroachments which are in existence in Survey No.261/39. The only contention putforth on the side of the petitioners is that the petitioners have not made any encroachment and put up construction only in Survey No.261/23.

5.Considering the aforesaid factual circumstances, this Court is inclined to pass the following order.

6.In fine, the respondent is directed to conduct proper survey in respect of Survey Nos.261/39 and 261/23 in the presence of the petitioners. With the above observation, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition are closed.

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

The Executive Officer,
Selection Grade Town Panchayat,
Aathirampattinam,
Thanjavur District.

+One cc to M/s.C.Bharathi, Advocate, SR.No.8520
+One cc to The Special Government Pleader, SR.No.8918

smn
RL/4C/2P/MR/SAR2/21.2.2017

ORDER MADE IN
W.P(MD)No.2617 of 2017
and
W.M.P.(MD)No.2170 and 2171 of 2017