



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**
and
THE HONOURABLE MR.JUSTICE **N.AUTHINATHAN**

W.P (MD) No.3235 of 2017
and
W.M.P (MD) No.2568 of 2017

S.Mallika .. Petitioner

Vs.

The Special Officer/Block Development Officer
(Village Panchayat),
Kasitharmam,
Kadayanallur Taluk,
Tirunelveli District. .. Respondent

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 respondent in Na.Ka.No.A3/783/2016, dated 06.02.2017 and quash the same and pass such further or other orders.

For Petitioner : Mr.H.Arumugam

For Respondent : Mr.T.S.Mohammed Mohideen,
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 06.02.2017 alleged to have been issued by the respondent in Na.Ka.No.A3/783/2016 and quash the same, by way of issuing a writ of Certiorari.

2.The learned counsel appearing for the petitioner has contended to the effect that the property of the petitioner is comprised in Survey No.303/5 and the same situate immediately on the Eastern side of the North-South road. The respondent even without conducting proper survey has erroneously issued the



notice, dated 06.02.2017 and further if proper survey is conducted and if any encroachment is found place, the petitioner is ready to remove the same. Under the said circumstances, the notice dated 06.02.2017 is liable to be quashed.

3. The learned Additional Government Pleader appearing for the respondent has contended to the effect that since encroachments are in existence in North-South road, the notice dated 06.02.2017 has been issued. Under the said circumstances, the same is not liable to be quashed.

4. Considering the fact that Survey No.303/5 is the absolute property of the petitioner and the same situate immediately on the Eastern side of North-South road and also considering the main gravamen expressed on the side of the petitioner to the effect that the respondent has not conducted any survey, this Court is inclined to pass the following order.

5. In fine, this writ petition is allowed without costs. The notice, dated 06.02.2017 is quashed. However, the respondent is directed to conduct proper survey with reference to revenue records and if there is any encroachment in road directed to remove the same under due process of law. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Special Officer/Block Development Officer
(Village Panchayat),
Kasitharmam,
Kadayanallur Taluk,
Tirunelveli District.

+1 cc to MR.H.ARUMUGAM, Advocate SR.No.12904

+1 cc to Special Government Pleader SR.No.12867

ORDER MADE IN
W.P(MD) No.3235 of 2017
and
W.M.P(MD) No.2568 of 2017
06.03.2017