



WEB COPY

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3282 of 2017

and

W.M.P (MD) No.2709 of 2017

1.Thangaraj

2.Muthulakshmi

... Petitioners

Vs.

1.The Revenue Divisional Officer,
Musiri Division,
Trichy District.

2.The Tahsildar,
Musiri Taluk,
Trichy District.

3.Ulaganandam

4.Muruganandam

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records comprised in Na.Ka.A2/8099/2016 dated 03.02.2017 issued by the 2nd respondent and quash the same as arbitrary illegal and without jurisdiction.

For Petitioner : Mr.Raguvarangopalan

For Respondents 1&2 : Mr.M.Govindan,
Special Government Pleader

For Respondents 3&4 : No appearance

ORDER

(Order of the Court was made by G.R.SWAMINATHAN,J)

The writ petitioner challenges the order dated 03.02.2017 issued by the second respondent. The impugned order in this writ petition is in two parts. It declines to issue patta as sought for by the writ petitioner. It also directs removal of the encroachment. It is said to have been committed by the petitioners after following the procedure set out in Tamil Nadu Encroachment Act 1905.



2. As regards the rejection of the request for issuance of patta, the petitioner is at liberty to file an appeal before the appellate authority. If such an appeal is filed within 30 days from the date of receipt of a copy of this order, the same shall be entertained without any reference to limitation. In other words, if such an appeal is filed, the same shall be entertained and considered independently and disposed of on merits.

3. The writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (ADII)

/True Copy/

Sub-Assistant Registrar

To

1. The Revenue Divisional Officer,
Musiri Division,
Trichy District.

2. The Tahsildar,
Musiri Taluk,
Trichy District.

+One cc to The Special Government Pleader, SR.No.77933
+One cc to M/s.K.Prabhakar, Advocate, SR.No.77217

rmi
RL/5C/2P/SV/MMS/SAR1/26/9/2017

ORDER MADE IN
W.P. (MD) No.3282 of 2017