



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 16.03.2017
CORAM:

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

W.P(MD)Nos.4393 and 4415 of 2017
and
W.M.P(MD)Nos.3523 and 3544 of 2017

Palaniammal .. Petitioner
in W.P(MD)No.4393 of 2017

Chellammal .. Petitioner
in W.P(MD)No.4415 of 2017

Vs.

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur, Dindigul District.

3.The Assistant Engineer,
Highways Department,
Vedasandur, Dindigul District. .. Respondents
in both W.Ps.

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned order passed by the second respondent in his proceedings in Na.Ka.No.9884/2016/A4 dated 30.01.2017 and quash the same as illegal, arbitrary and consequently direct the second respondent to issue the patta to the petitioners with regard to Survey No.63, Door Nos.2/150 and 2/149, Kulandaigoundanpatti, Vanikarai Village, Vedasandur Taluk, Dindigul District.

For Petitioner : Mr.G.Gomathi Sankar
in both W.Ps.

For Respondents : Mr.T.S.Mohammed Mohideen,
in both W.Ps. Additional Government Pleader.

**COMMON ORDER**

[Common Order of the Court was made by **A.SELVAM, J.**]

These writ petitions have been filed under Article 226 of the Constitution of India praying to call for records relating to the proceeding issued by the second respondent on 30.01.2017 and quash the same, by way of issuing a writ of certiorarified mandamus.

2.Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, has taken notice for the respondents.

3.In both the writ petitions it is averred that the second respondent has issued an illegal proceeding on 30.01.2017 and thereby directed the petitioners to vacate the alleged encroachment. The petitioners have been residing for a long time and further proper survey has not been conducted. Under the said circumstances, these writ petitions have been filed for getting the relief sought therein.

4.The learned counsel appearing for the petitioners has advanced his argument on the basis of averments made in both the writ petitions.

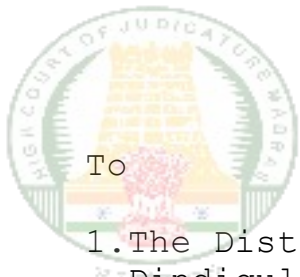
5.It is seen from the records that Survey No.63 has been classified as road and the same vests with the third respondent. Even though it has been contended on the side of the petitioners that they are having dwelling houses in Survey No.63/1, as mentioned supra the same has been classified road and the same vests with the third respondent and further as per G.O.No.540, Revenue Department, dated 04.12.2014, the second respondent has directed the third respondent to take eviction proceedings.

6.Considering the fact that Survey No.63/1 has been classified as a road and in which the petitioners are not having any tangible interest, the third respondent is the competent authority to take eviction proceedings and further there is no flaw in the proceeding taken by the second respondent and therefore both the writ petitions are liable to be dismissed.

7.In fine, both the writ petitions are dismissed without costs. The third respondent is directed to conduct proper survey in respect of Survey No.63/1 and if there is any encroachment remove the same under due process of law. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (Writs)



To

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur, Dindigul District.

3.The Assistant Engineer,
Highways Department,
Vedasandur, Dindigul District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 15515 and 15517

+2 CC to MR.G.GOMATHI SANKAR, Advocate, SR No. 15282 and 15283

SMN

PSM/SV-MMS/SAR4/27.04.2017/3P/7C

COMMON ORDER MADE IN
W.P (MD) Nos.4393 and 4415 of 2017
and
W.M.P (MD) Nos.3523 and 3544 of 2017
16.03.2017