



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2017

CORAM

THE HON'BLE MR.JUSTICE A.SELVAM
and
THE HON'BLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) Nos.4468 to 4470 of 2017
and
WMP (MD) Nos.3584 to 3587 of 2017

Farook	... Petitioner in WP (MD) No.4468/17
Hajar Ammal	... Petitioner in WP (MD) No.4469/17
Aaysha Mariyam	... Petitioner in WP (MD) No.4470/17

-vs-

- 1.The District Collector,
Thanjavur,
Thanjavur District.
- 2.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.
- 3.The Tahsildar,
Pattukottai,
Thanjavur District.
- 4.The Executive Officer,
Athiramapattinam Town Panchayat,
Thanjavur District.
- 5.K.S.Sharfudeen

... Respondents in all WPs.

Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records connection with the notice issued by the 4th respondent in NA.KA.No.248/2016/A2 dated 09.01.2017 and quash the same as illegal.



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For Petitioners : Mr.M.Seeni Sulthan
(all the writ petitions)

For Respondents 1 to 4 : Mr.M.Govindan
Special Government Pleader
(all the writ petitions)

O R D E R

[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 notices dated 09.01.2017 passed in NA.KA.No.248/2016/A2 by the fourth respondent and quash the same by way of issuing a Writ of Certiorari.

2.Mr.M.Govindan, learned Special Government Pleader has taken notice for the respondents 1 to 4.

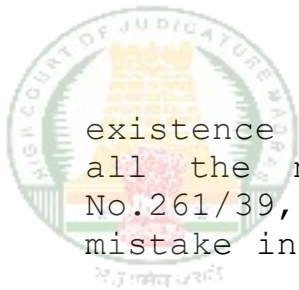
3.Considering the nature of relief sought in these Writ Petitions, notice need not be sent to the fifth respondent.

4.The learned counsel appearing for the petitioner has contended that Survey No.261/2 has been classified as a tank, whereas, the petitioners have been living from time immemorial in Survey No.261/39. The fifth respondent has erroneously filed WP (MD)No.23716 of 2016, wherein, this Court has directed the respondents 1 to 4 to remove encroachments which are in existence in Survey No.261/39. The fourth respondent has erroneously issued the impugned notices. Under the said circumstances, these Writ Petitions have been filed for getting the relief sought therein.

5.The learned Special Government Pleader appearing for the respondents 1 to 4 has contended that earlier Writ Petition has been filed in respect of Survey No.261/39 and this Court after considering the available records has found that Survey No.261/39 has been classified as a tank and passed the order and further, on the basis of the order passed in WP(MD)No.23716 of 2016, the fourth respondent has issued the impugned notices. Under the said circumstances, these Writ Petitions cannot be allowed.

6.It is seen from the notices that the fourth respondent has mentioned the order passed in WP(MD)No.23716 of 2016 and further the fourth respondent has issued the impugned notices only in respect of Survey No.261/39.

7.Considering the fact that already this Court has directed the respondents 1 to 4 to remove encroachments which are in



existence in Survey No.261/39 and also considering the fact that all the notices have been issued only in respect of Survey No.261/39, this Court is of the considered view that there is no mistake in the notices issued by the fourth respondent.

8.The learned counsel appearing for the petitioner has contended that the petitioners have not encroached any portion in Survey No.261/39. Under the said circumstances, this Court is inclined to pass the following order:

9.In fine, these Writ Petitions are dismissed without cost. However, the fourth respondent is directed to conduct proper survey in respect of Survey No.261/39 and take appropriate proceedings as per order passed in WP(MD)No.23716 of 2016. Consequently, WMP(MD)Nos.3584 to 3587 of 2017 are closed.

Sd/-

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar

To

- 1.The District Collector,
Thanjavur,
Thanjavur District.
- 2.The Revenue Divisional Officer,
Pattukottai,
Thanjavur District.
- 3.The Tahsildar,
Pattukottai,
Thanjavur District.
- 4.The Executive Officer,
Athiramapattinam Town Panchayat,
Thanjavur District.

+1 cc to Special Government Pleader, SR.No:15498

mj

AE/SKN/RSK/27.03.2017/3P/6C

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and

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