



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM

and

THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P (MD) No.6367 of 2017

and

W.M.P (MD) No.5014 of 2017

I.Alphonse Rajan

.. Petitioner

Vs.

1.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

2.The Revenue Inspector,
North Valliyoor Firka,
Radhapuram Taluk,
Tirunelveli District.

.. Respondents

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 records relating to the notice in Rc.No.B8/12329/16, dated 20.03.2017 on the file of the first respondent and quash the same.

For Petitioner : M/s.P.Jessi Jeeva Priya
For Respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader.

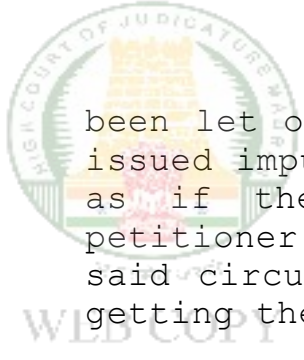
ORDER

[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 20.03.2017 passed in Rc.No.B8/12329/16 by the first respondent and quash the same, by way of issuing a Writ of Certiorari.

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

3.The learned counsel appearing for the petitioner has contended to the effect that the petitioner is the absolute owner of Survey No.1261/4A wherein he has put up a shop and the same has



been let out to one Poorlia moblies, but the first respondent has issued impugned notice in the name of the tenant of the petitioner as if the petitioner has encroached Survey No.1261/7/2. The petitioner has not encroached any portion of the same. Under the said circumstances, the present Writ Petition has been filed for getting the relief sought therein.

4.It is seen from the records that the impugned notice has been issued only in respect of Survey No.1261/7/2.

5.Considering the fact that the petitioner is having a patta land in Survey No.1261/4A and both the survey numbers are contiguous properties, this Court is inclined to pass the following order.

6.In fine, the first respondent is directed to conduct proper survey in respect of Survey Nos.1261/4 and 1261/7/2 with the assistance of revenue records in the presence of the petitioner and if there is any encroachment in Survey No.1261/7/2, the first respondent is directed to remove the same under due process of law. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Protocol)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Radhapuram Taluk,
Radhapuram, Tirunelveli District.
2. The Revenue Inspector,
North Valliyoor Firka,
Radhapuram Taluk, Tirunelveli District.

+1 cc to Mr.S.Subbiah, Advocate, SR.No.51331

+1 cc to Special Government Pleader, SR.No. 51466

ORDER MADE IN
W.P(MD)No.6367 of 2017
10.04.2017

ps

MKV-JC-SAR 2/13.4.2017/2P-5C