



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.7275 of 2017
and
W.M.P. (MD) No.5701 of 2017

S.Murugesan

... Petitioner

vs.

- 1.The Tahsildar,
Aathoor Taluk,
Dindigul District.
- 2.The Block Development Officer,
Sempatti,
Aathoor Panchayat Union,
Dindigul District.

3.Jayaraman

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Cetrriorarified Mandamus, calling for the records of the proceedings in Na.Ka.No.3283/16/B2 dated 28.02.2017 and 04.04.2017 on the file of the 2nd respondent as void, without jurisdiction and arbitrary and for further direction to the respondents forbearing them from demolishing the building of the petitioner in S.No.652 (actually in S.No.652/8 sub division or in portion of S.No.652/13) Seeval Saragu Village, Athoor Taluk, Dindigul.

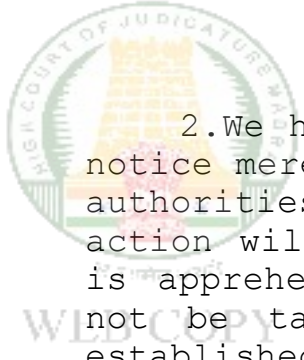
For Petitioner : Mr.H.Lakshmi Shankar

For Respondents : Mr.M.Govindan, Spl. G.P.
For RR1 and 2
Mr.R.Thangapandian for R3

O R D E R

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

The petitioner questions the notice bearing Na.Ka.No.3283/16/B2 dated 04.04.2017 issued by the second respondent herein.



2.We have gone through the contents of said notice. The said notice merely states that survey will be undertaken by the revenue authorities and in the event of encroachment being established, action will be taken for removing the same. The writ petitioner is apprehending that the revenue records in his possession will not be taken note of and in the survey, if encroachment is established, according to the authorities, action will be straightaway taken without due process of law. We find force in the said apprehension.

3.We therefore direct the first respondent to survey the property in question in the presence of the second respondent. Due notice will be issued to the writ petitioner as well as the third respondent before conducting survey. The survey should be conducted on the basis of the existing revenue records. Patta said to be possessed by the petitioner will be taken note of. After such survey exercise, if encroachment is established, it is open to the first respondent to take action in accordance with law. It is made clear that the Tahsildar will not take recourse for removal of encroachment without due process of law.

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

Sd/-

Assistant Registrar(CS-III)

/Truecopy/

Sub Assistant Registrar

To

1.The Tahsildar,Aathoor Taluk,Dindigul District.

2.The Block Development Officer,
Sempatti,Aathoor Panchayat Union,Dindigul District.

+1cc to M/S.H.LAKSHMI SHANKAR, Advocate SR.No.66821

+1cc to M/S.R.THANGAPANDIAN, Advocate SR.No.66638

+1cc to Special Government Pleader, SR.No.67004

Arul / Skm

MAS/JC/SAR2:23.08.2017:2P-6C

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