



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **28.04.2017**

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P (MD) No.7603 of 2017

and

W.M.P (MD) Nos.5935 & 5936 of 2017

Ramachandran

: Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The District Revenue Officer,
Paramakudi,
Ramanathapuram District.

3.The Special Tahsildar,
Adi-Dravidar Welfare Department,
Mudhukulathur Taluk,
Ramanathapuram District.

4.The Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a WRIT OF CERTIORATIFIED MANDAMUS, to call for the records of the impugned order, dated 17.04.2017 in O.Mu.A1/1577/1999 passed by the 3rd respondent and quash the same as illegal and consequently forbearing the respondents or his men or agents from interfering with my peaceful possession and enjoyment of the land comprised in Survey No.243/3A to the extent of 1 acre and 89 cents and in Survey No.243/1B to an extent of 1.02.0 hectare situate at Perunali Village, Kamudhi Taluk, Ramanathapuram District.

For Petitioner

: Mr.D.Srinivasaraghavan

For Respondents

: Mr.S.Chandrasekar

Government Advocate

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

<https://hcservices.ecourts.gov.in/hcservices/>
By consent, the writ petition itself is taken up for final disposal.



2. Heard the learned counsel appearing for the petitioner and Mr. S. Chandrasekar, learned Government Advocate accepting notice on behalf of the respondents.

3. The petitioner is aggrieved by the notice issued by the third respondent calling upon the petitioner to vacate and hand over possession to an extent of 65 cents in Survey No. 243/A, failing which he would be evicted by force.

4. On a perusal of the impugned notice, it is clear that the Civil Court has granted a decree in favour of the petitioner to an extent of 1.89 acres in the same Survey Number. This has not been admitted in the impugned order. The third respondent proposes to initiate action for resuming possession of the remaining extent of 65 cents.

5. In our considered view, without indentifying the property and without measuring the property straight away the third respondent could not have issued the notice to surrender possession of the land, failing which, take forcible possession. Therefore, we direct the third respondent to issue notice to the petitioner and arrange for a survey of the land, in the presence of the petitioner, make a clear demarcation and then proceed for taking over the Government property, in accordance with law.

6. In the light of the above direction, the impugned notice cannot be given effects and is accordingly directed to be kept in abeyance and await further proceedings, in terms of the above direction.

7. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
ASSISTANT REGISTRAR (AS)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The District Revenue Officer,
Paramakudi,

Paramakudi District.



3.The Special Tahsildar,
Adi-Dravidar Welfare Department,
Mudhukuilathur Taluk,
Ramanathapuram District.

4.The Tahsildar,
Kamudhi Taluk,
Ramanathapuram District.

+1 CC TO MR.SRINIVASA RAGAVAN, ADVOCATE,SR NO.55283

AM/DAS

MAS/MR:19.05.2017:3P-6C

ORDER MADE IN
W.P (MD) No.7603 of 2017
28.04.2017