



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE **A.SELVAM**

and

THE HONOURABLE MR.JUSTICE **P.KALAIYARASAN**

W.P(MD)No.94 of 2017

and

W.M.P(MD)No.69 of 2017

Thomai Vellankanni

.. Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Manaparai Taluk,
Manaparai, Trichy District.

3.The Village Administrative Officer,
Mugavanur Village,
Pudhumaniyarampatti Post,
Manaparai Taluk,
Trichy District.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents not to evict or demolish the petitioner's house in an extent of 1456 square feet in Survey No.962/19 at Periyakulathupatti, Mugavanur North Village, Manaparai Taluk, Trichy District without following due process of law based on the petitioner's representation dated 26.12.2016.

For Petitioner : Mr.AN.Ramanathan

For Respondents : Mr.D.Muruganandam,
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 restrain the respondents from evicting the petitioner in the house which situates in Survey No.962/19, Periyakulathupatti Village, Manaparai Taluk, Trichy District, by way of issuing a writ of mandamus.

2.It is averred in the petition that the petitioner has put up a house to an extent of 1456 square feet in Survey No.962/19, Periyakulathupatti Village. Further it is averred in the petition that the third respondent viz., Village Administrative Officer,



Mugavanur North Village has been making arrangements to evict the petitioner. Under the said circumstances, the present writ petition has been filed.

3.Mr.D.Muruganandam, learned Additional Government Pleader, has taken notice for the respondents.

4.The learned counsel appearing for the petitioner has advanced his argument on the basis of averments made in the writ petition.

5.The learned Additional Government Pleader appearing for the respondents has contended that Survey No.962/19 has been classified as sarkar poromboke kali natham.

6.Considering the nature of classification made in respect of Survey No.962/19 and also considering the main allegation made against the third respondent, this Court is of the view to dispose of the present writ petition as stated infra.

7.In fine, the second respondent viz., Tahsildar, Manaparai Taluk is directed to inspect Survey No.962/19, Periyakulathupatti Village, Manaparai Taluk and if there is any objectionable encroachment, issue notice as contemplated under law to alleged encroacher(s) and remove the same within a period of two months. With the above directions, this writ petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1.The District Collector, Trichy District, Trichy.

2.The Tahsildar,

Manaparai Taluk, Manaparai, Trichy District.

3.The Village Administrative Officer,

Mugavanur Village,

Pudhumaniyarampatti Post, Manaparai Taluk, Trichy District.

+1 cc to M/s.AN.Ramanathan, Advocate in SR.No.592

+1 cc to The Special Government Pleader in SR.No.865

smn

CSL/EM/SAR-I/10.01.2017 :2P/6C

**ORDER MADE IN
W.P(MD)No.94 of 2017
and**

**W.M.P(MD)No.69 of 2017
04.01.2017**