



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2017

CORAM:

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

W.P (MD) No.10299 of 2011

and

MP (MD) No.1 of 2011

and

WMP (MD) No.15130 of 2016

P. Chellammal

..Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Thasildhar,
Madurai South Taluk,
Madurai.

3. The Revenue Inspector,
Avanyapuram,
Madurai District, Madurai.

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondents, his servant or agent or anyone claiming under him from in any way demolishing any portion of the building bearing Old Door No.3/149, New Door No.3W/187, comprised in Survey No.32, Pannaiyoor Vilaku, Pannaiyoor Village, Madurai South Taluk, Madurai.

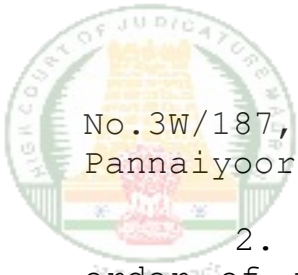
For petitioner : Mr. Pala Ramasamy

For respondents : Mr.M.Govindan
Special Government Pleader.

O R D E R

[Order of the Court was made by G.R.SWAMINATHAN, J.]

<https://hcservices.ecourts.gov.in/hcservices/> The petitioner has filed the instant writ petition for forbearing the respondents authorities from demolishing any portion of the building bearing Old Door No.3/149, New Door



No.3W/187, comprised in Survey No.32, Pannaiyoor Vilaku, Pannaiyoor Village, Madurai South Taluk, Madurai.

2. This Court, while admitting the writ petition granted an order of interim injunction. To vacate the said interim order, the Tahsildar, Madurai South Taluk has filed an application for vacating the same.

3. In the counter affidavit, it has been specifically averred that notice under Section 7 of Tamil Nadu Land Encroachment Act has been issued on 25.01.2016.

4. The learned Counsel for the writ petitioner states that the writ petitioner did not receive any such notice. The learned Special Government Pleader appearing for the respondents could not also produce the copy of any such notice.

5. Therefore, this writ petition is disposed of directing the respondent authorities to follow the due process of law. The Tahsildar, Madurai South Taluk shall serve a fresh copy of the said notice said to have been issued on 25.01.2016, to the petitioner. Upon receipt of such notice, the writ petitioner shall submit her explanation within two weeks and thereafter, the Tahsildar shall dispose of the matter on merits and in accordance with law. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order. The status quo obtaining as on date shall continue till final orders are passed by the second respondent. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar.

To

1.The District Collector, Madurai District, Madurai.

2.The Thasildhar, Madurai South Taluk, Madurai.

3. The Revenue Inspector, Avanyapuram,
Madurai District, Madurai.

+1CC to Mr.Pala. Ramasamy, Advocate, SR.No. 63826

+1CC to the Special Government Pleader SR.No. 63685

ORDER MADE IN

W.P(MD)No.10299 of 2011

04.07.2017