



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.11034 of 2013

and

M.P. (MD)Nos.2 to 4 of 2013

- 1.R.Sathya Bama
- 2.P.Rengasamy
- 3.V.Ramasamy Reddiyar
- 4.K.Kuruvappan
- 5.P.Selvaraj
- 6.P.Narayanan

.. Petitioners

Vs.

1. The District Collector,
District Collectorate,
Viruthunagar District.
2. The Tahsildar,
Aruppukottai Taluk,
Viruthunagar District.
3. The Sub Divisional Magistrate cum
Revenue Divisional Officer,
Aruppukottai,
Viruthunagar District.
4. The Block Development Officer,
Village Panchayat,
Aruppukottai Taluk,
Viruthunagar District.
5. The Taluk Surveyor,
Aruppukottai Taluk,
Virudhunagar District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records pertaining to the impugned orders in Na.Ka.A2/1673/2012 dated 05.04.2013 on the file of the respondent No.3 and consequential order in O.Mu./1273/2013/Aa2 dated 14.05.2013 on the file of the respondent No.4 and quash the same as illegal.

For petitioner

: Mr.T.Lajapathi Roy

For Respondents

: Mr.T.S.Mohamed Mohideen
Additional Government Pleader

**O R D E R**

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner challenges the order dated 05.04.2013 on the file of the third respondent and the consequential order dated 14.05.2013 on the file of the fourth respondent.

2.It is the case of the petitioners that they are armed with the civil court decree and as such proceedings for eviction is not maintainable.

3.The orders under challenge are essentially not eviction orders passed against the petitioners, it is in the nature of inter departmental communication relating to the property in the possession of the petitioner.

4.The learned counsel for the petitioner placed reliance on the decision of this Court in **RAMARAJU v. THE STATE OF TAMILNADU (2005 (2) CTC) 741** and contended that the petitioners being the beneficiaries of the civil court decree are not liable to be evicted.

5. The respondents have not taken any decision so far to evict the petitioners. It is always open to the petitioners to submit their explanation to the notices issued by the respondents. There is no question of setting aside the inter departmental communication, at the instance of third parties.

6.We give liberty to the petitioners to submit reply, in case, notices are issued. It is open to the petitioners to take up all the contentions available to them on facts and on law.

7.The writ petition is disposed of with the above observation. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To:

1. The District Collector,
District Collectorate,
Viruthunagar District.



2. The Thasildar,
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3. The Sub Divisional Magistrate cum
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4. The Block Development Officer,
Village Panchayat,
Aruppukottai Taluk,
Viruthunagar District.

5. The Taluk Surveyor,
Aruppukottai Taluk,
Virudhunagar District.

+1cc to Mr.T.Lajapathi Roy, Advocate SR.NO.63636
+1cc to The Spl.Government Pleader SR.NO.63669

RJ2/PSD

VB/SV/SAR4/21.07.2017/3P/8C

ORDER MADE IN
W.P (MD) No.11034 of 2013
and
M.P. (MD) Nos.2 to 4 of 2013
05.07.2017