



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **23.01.2017**

CORAM:

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

and

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

W.P (MD) Nos.7926 and 7927 of 2011

and

M.P (MD) Nos.1 and 1 of 2011

Purakkilan

.. Petitioner
in W.P (MD) No.7926 of 2011

Selvaraj

.. Petitioner
in W.P (MD) No.7927 of 2011

Vs.

The Tahsildar,
Musiri Taluk, Musiri,
Trichy District.

.. Respondent
in both W.Ps.

PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari calling for the records relating to the proceedings of the respondent dated 30.06.2011 and quash the same.

For Petitioner : Mr.K.Govindarajan
in both W.Ps.

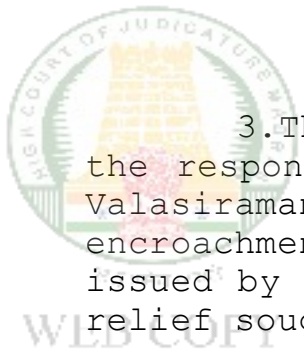
For Respondent : Mr.D.Muruganandam,
in both W.Ps. Additional Government Pleader.

COMMON ORDER

[Common Order of the Court was made by **A.SELVAM, J.**]

These writ petitions have been filed under Article 226 of the Constitution of India praying to call for records relating to the notice dated 30.06.2011 issued by the respondent and quash the same, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the petitioners has contended that Survey No.882, Valasiramani Village has been classified as Odai. Now the respondent has issued a notice as if the petitioners have encroached the same and under the said circumstances, the present writ petition has been filed for getting the relief sought therein.



3.The learned Additional Government Pleader appearing for the respondent has contended to the effect that Survey No.882 in Valasiramani Village has been classified as Odai and since encroachments are in existence, the impugned notices have been issued by the respondent in accordance with law and therefore the relief sought in the writ petition cannot be granted.

4.Even as per the records submitted on the side of the petitioner, the Court can easily discern that Survey No.882 has been classified as Odai and since there are certain encroachments in Survey No.882, the notices in question have been issued.

5.The learned counsel appearing for the petitioners has contended that the petitioners are having adjacent patta lands and during rainy season, they are getting rain water from Odai and now the respondent has made attempt to convert the same into road.

6.Considering the fact that the notices in question have been issued under the Tamil Nadu Encroachment Act, 1905, the relief sought in the writ petitions cannot be granted. However the following direction can be issued to the respondent.

7.In fine, these writ petitions are dismissed without costs. The respondent is strictly directed not to convert the Odai which situates in Survey No.882 into road in future. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-
Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To
The Tahsildar,
Musiri Taluk, Musiri,
Trichy District.

Smn
AE/MR-VB;02.02.2017:2P-2C

COMMON ORDER MADE IN
W.P(MD)Nos.7926 and 7927 of 2011
and
M.P(MD)Nos.1 and 1 of 2011
23.01.2017