



WEB COPY

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.2294 of 2013
and
M.P.(MD) No.1 of 2013

P.Subburaj

... Petitioner

Vs.

The Executive Officer,
Boothipuram Town Panchayat,
Theni District.

... Respondent

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned order of the respondent in ref.Na.Ka.No.172/2012 dated 04 February 2013 in respect of the compound wall of the petitionoer in his private land covered by registered sale deed of the petitioner dated 04 February 1980 vide Doc.No.193/1980 on the file of Sub Registrar, Theni and quash the same.

For Petitioner : Mr.K.Appadurai
For Respondents : Mr.J.Gunaseelan Muthian, G.A.

O R D E R

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

This writ petition is directed against the order dated 04 February 2013, whereby and whereunder, the respondent directed the petitioner to remove the compound wall constructed by him.

2.The order is challenged primarily on the ground that there is no indication with respect to the area or the survey number so as to enable the petitioner to remove the alleged



3. We have heard the learned counsel for the petitioner. We have also heard the learned Government Advocate appearing for the respondent.

4. The order passed by the respondent does not contain the schedule of property to be treated as the encroached area. The respondent simply directed the petitioner to remove the compound wall. The order is bereft of details.

5. In the result, the order dated 04 February 2013 is quashed. The respondent is directed to pass a fresh order taking into account the objections submitted by the petitioner. The order should contain the schedule of property and the details of encroachment made by the petitioner. Such exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

6. The writ petition is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CSI)

/True Copy/

Sub-Assistant Registrar

To

The Executive Officer,
Boothipuram Town Panchayat,
Theni District.

+One cc to Mr.K.Appadurai, Advocate, SR.No.63356

Arul
RL/3C/2P/SKN/RSK/SAR2/13/7/2017

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