



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM:

THE HONOURABLE Mr.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.1288 of 2018

Saira Banu

... Petitioner

Vs.

1. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

2. The Executive Officer,
Nilakottai Town Panchayat,
Dindigul District.

3. The Taluk Surveyor,
Taluk Survey Office,
Nilakottai Taluk,
Dindigul District.

... Respondents

PRAYER: This petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to evict the petitioner without following due process of law from the petitioner's dwelling house in S.No.616/A within a specified time frame that may fixed by this Court.

For Petitioner	: Mr.T.S.Mohammed Mohideen
For Respondent Nos.1 & 3	: Mr.V.R.Shanmuganathan Special Government Pleader
For Respondent 2	: Mr.S.Dhayalan Additional Government Pleader

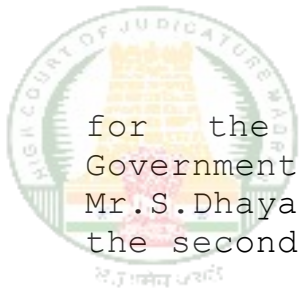
O R D E R

(Order of this Court was made by **N.KIRUBAKARAN, J**)

By consent , the writ petition is taken up for final disposal at the stage of admission itself.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Heard Mr.T.S.Mohamed Mohideen, learned counsel appearing



for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 3 and Mr.S.Dhayalan, learned Additional Government Pleader appearing for the second respondent.

3.The petitioner is in possession of the land in Survey No.470/8 to an extent of 800 sq. ft. by putting up a dwelling house and she has been residing in the said property for the past 40 years. According to the petitioner, it is only a Natham land and she has got electricity connection and water connection also. Moreover, the house has been levied property tax which is being regularly paid by the petitioner. When things stand so, without giving notice, the third respondent under instruction from other respondents started measuring the property with the intention to evict the petitioner from the said property contending that it is a pond. Therefore, the petitioner has come before this Court.

4.Considering the facts and circumstances of the case and also considering the facts that the petitioner's property has been assessed to property tax and she got water and electricity connections and she is stated to be enjoyment in the property for the past 40 years, this Court directs the respondents to give notice to the petitioner, giving reasons for taking steps to evict the petitioner. On receipt of the said notice, the petitioner shall give her reply within a period of four weeks from the date of receipt of copy of this order. After the receipt of the said reply, the respondents shall give an opportunity of hearing to the petitioner and pass appropriate orders on merits and in accordance with law within a period of eight weeks thereafter. Till such order is passed and the copy of the same is served upon the petitioner, the petitioner shall not be disturbed.

5.With the above direction, this writ petition is disposed of. No Costs.

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

<https://hcservices.court.gov.in/hcservices> Officer,
Nilakottai Town Panchayat,
Dindigul District.



3. The Taluk Surveyor,
Taluk Survey Office,
Nilakottai Taluk,
Dindigul District.

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+ 1 cc TO Mr.T.S.Mohamed Mohideen , Advocate in SR No. 43847

mrn/Ns

AE/SKN RSK/SAR2/09.02.2018/3P/5C

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