



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

WP.(MD) No.4237, 4241 and 4253 of 2018
and

W.M.P.(MD) No.4368, 4369, 4375, 4376, 4386 and 4387 of 2018

K.Lakshmanan ... Petitioner in W.P.4237/18

M.Perumal ... Petitioner in W.P.4241/18

V.Ramachandran ... Petitioner in W.P.4253/18

-vs-

1.The District Collector,
Dindigul District.

2.The District Revenue Officer,
Dindigul District.

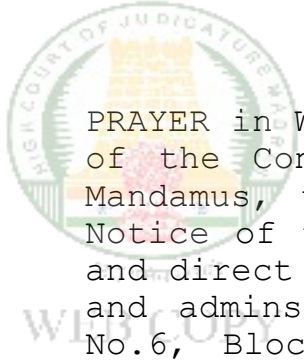
3.The Revenue Divisional Officer,
Dindigul District.

4.Tahsildar,
Dindigul East Taluk,
Dindigul District.

... Respondents in all
petitions

PRAYER in W.P.(MD) No.4237 of 2018: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari, to call for the records relating to the impugned notice issued by the 4th respondent dated 21.02.2018 affixed in front of the property under the petitioner's possession and quash the same.

PRAYER in W.P.(MD) No.4253 of 2018: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorari and Mandamus, to call for the records pertaining to the impugned Flex Notice of the 4th respondent dated 21.02.2018 and to quash the same and direct the respondents not to interfere the peaceful running of the petitioner's tea stall situated in New Ward No.37(Old Ward No.6) Block No.15, T.S.No.821/1 and 822/2 of Dindigul Corporation,



PRAYER in W.P.(MD) No.4241 of 2018: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Flex Notice of the 4th respondent dated 21.02.2018 and to quash the same and direct the respondents not to interfere the peaceful functioning and adminsitration of the Madurai Veeran Temple situated in Ward No.6, Block No.5, T.S.No.822/2 of Dindigul Corporation, Dindigul District.

For Petitioners : Mr.M.P.Senthil in W.P.4237/2018
Mr.M.R.Sreenivasan in W.Ps.
4241 and 4253/2018

For Respondents : Mr.Pandiarajan, AGP in all petitions

COMMON O R D E R

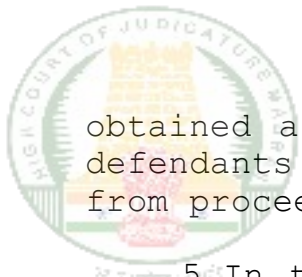
(Order of the Court was made by T.S.SIVAGNANAM, J.)

All the petitioners are aggrieved by a public notice, which was displayed in the area, where they are residing, carrying on business, stating that the land occupied by them is a Government poramboke land and they have to vacate and hand over possession to the fourth respondent, within period of three days.

2.The learned counsel for the petitioners submits that the petitioners are not encroachers, who were permitted to occupy the lands and in fact, certain documents pertaining to resolution passed by the Dindigul Municipal Council during 1935-36, a proceedings of the Sub Collector dated 02.02.1936 are referred to. Further, it is submitted that adjoining area, where the petitioners are residing, District Treasury Office has been constructed and there is also a middle school. The correctness of the submission made by the petitioners cannot be tested in a writ petition nor the validity and veracity of the resolution stated to have been passed by the Dindigul Municipal Council during 1935-36 can be decided by us while exercising the jurisdiction under Article 226 of Constitution of India.

3.Though the fourth respondent may be justified in issuing a public notice informing the general public of encroachment and warning the others, who intend encroaching, when it come to removal of encroachment individual notices are required to be served. This is because the petitioners' claim that they have got documents to show that their possession is authorised.

4.One of the petitioner viz., K.Lakshmanan, petitioner in W.P. (MD) No.4237 of 2018 claims to be a lessee under one of those persons, who is in occupation and there appears to be a civil litigation between the petitioner lessee and the person who had granted lease in favour of the petitioner. In those civil proceedings, the Tahsildar and revenue officials are not defendants. Therefore, even assuming the petitioner viz., K.Lakshmanan has



obtained a decree at best, the decree can be enforced against the defendants in those suits and this will not prevent the Tahsildar from proceeding further in accordance with law.

5. In the light of the above, the fourth respondent, Tahsildar, Dindigul East, is directed to issue individual notice under the relevant Statute within a period of 7 days from the date of receipt of a copy of this order. The noticees should be granted 15 days time to file their objection and after receiving objection and documents that the noticees may produce, the fourth respondent shall conduct a hearing and thereafter take a decision on merits and in accordance with law, within a period of 30 days from the date on which the personal hearing is concluded. Till then, status quo which is prevailing in the land in question shall be maintained.

6. With the above observation and direction, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Crl side)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Dindigul District.
2. The District Revenue Officer,
Dindigul District.
3. The Revenue Divisional Officer,
Dindigul District.
4. Tahsildar,
Dindigul East,
Dindigul District.

+2cc to Mr.M.R.SREENIVASAN, Advocate, SR.51811, 51812
+1cc to Mr.M.P.SENTHIL, Advocate, SR.52117
+1cc to M/S.Special Government Pleader, SR. 52323

WP.(MD) No.4237, 4241 and 4253 of 2018
and
W.M.P.(MD) No.4368, 4369, 4375,
4376, 4386 and 4387 of 2018
28.02.2018

ARUL