



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P(MD)No.5603 of 2018

and

W.M.P.(MD)Nos.5512 and 5513 of 2018

G.Sathiyaseelan

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari to call for the records on the file of the second respondent in connection with the impugned eviction notice issued by him in his proceedings No.Nil dated 10.02.2018 (affixed on 23.02.2018) and quash the same as illegal and arbitrary.

For Petitioner : Mr.G.Thalaimutharasu

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader

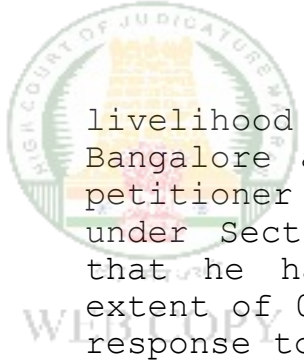
ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the Writ Petition itself is taken up for final disposal.

2. Mr.V.R.Shanmuganathan, learned Special Government Pleader accepts notice on behalf of the respondents.

3. The petitioner would aver that he has been granted assignment of housing plot admeasuring to an extent of 00060 sq.meter in Survey No.466/41 and 42 of Thinaikkathanvayal village, Thiruvadanai Taluk, Ramanathapuram District by the Tahsildar of Thiruvadanai and also he has put up a superstructure, which is also subjected to statutory



livelihood and on account of his occupation, he has gone to Bangalore and has employed there. The grievance expressed by the petitioner is that all of a sudden, he has been issued with notice under Section 6 of the Tamil Nadu Land Encroachment Act alleging that he has encroached upon "Natham Pathway" admeasuring to an extent of 0.0004 Hectare in Survey No.468/1 of T.Nagani Village. In response to the same, the petitioner has also submitted his detailed representation dated 10.03.2018 stating that he has never encroached upon the said land and he has a house in the land assigned to him and apprehending dispossession of his property, the petitioner came forward to file the present writ petition.

4. The learned Counsel appearing for the petitioner would submit that after assignment, the properties are also subjected to statutory lives and he has also put up superstructure and his family is also residing there and without following due process of law, attempts are being made to dispossess him and therefore, he is constrained to approach this Court by filing the present writ petition.

5. Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents would submit that as per the revenue records, Survey No.468/1 is shown as Mariamman Kovil and the petitioner has encroached upon the land in Survey Nos.468/1 as well 466/39 and the impugned notice will be withdrawn and the further proceedings would take place in accordance with law.

6. The said submission of the learned Special Government Pleader on instructions, is placed on record.

7. In the light of the same, the Writ Petition is partly allowed and the impugned notice of the second respondent, dated 10.02.2018 is quashed and the respondents are at liberty to initiate fresh proceedings against the petitioner, if it is warranted and in accordance with law. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,Ramanathapuram District, Ramanathapuram.
2.The Tahsildar, Thiruvadanai Taluk,Ramanathapuram District.
+1CC to Mr.G.Thalaimutharasu, Advocate, SR.No. 55825

W.P(MD)No.5603 of 2018

and

W.M.P. (MD)Nos.5512 and 5513 of 2018

16.03.2018