



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.05.2018

CORAM:

THE HONOURABLE MR.JUSTICE **M.GOVINDARAJ**
AND
THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P.[MD] No.10728 of 2018
and W.M.P. (MD) No.9824 of 2018

A.Rajendran : Petitioner

Vs.

The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District. : Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of eviction passed by the Respondent in his proceedings Na.Ka. Aa.4/14891/2017 dated 20.04.2018 and quash the same and consequently directing the Respondent to grant 6 months time to evict the encroachment in Survey No.44 of Samusikaparam Village, Rajapalayam Taluk, Virudhunagar District.

For Petitioner : Mr.G.Thalaimutharasu
For Respondent : Mr.D.Muruganantham
Additional Government Pleader

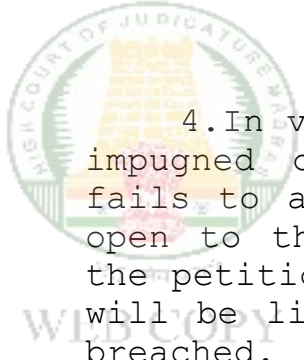
O R D E R

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The petitioner questions the order passed by the respondent under Section 6 of Chennai Land Encroachment Act, 1905.

2.When the matter was taken up for hearing on 09.05.2018, the petitioner's counsel undertook to clear the encroachment within 6 months. This Court called upon the petitioner to file an undertaking affidavit in this regard.

3.Pursuant to the direction of this Court, the petitioner has today (10.05.2018) filed an undertaking affidavit, undertaking to remove the encroachment in question within 6 months i.e., before December, 2018. This undertaking is placed on record.



4. In view of the above, the respondent is directed to keep the impugned order in abeyance till 31.12.2018. If the petitioner fails to abide by the undertaking given before this Court, it is open to the respondent to proceed without any further notice to the petitioner. This Court also makes it clear that the petitioner will be liable for contempt of Court, if the said undertaking is breached.

5. With the above directions and observation, this Writ Petition stands disposed of. Consequently, connected miscellaneous petition stands closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

+ 1 cc TO The Special Government Pleader in SR No. 65322

sj
AE/JC/SAR1/16.05.2018/2P/3C

**Order made in
W.P. [MD] No. 10728 of 2018
and W.M.P. (MD) No. 9824 of 2018
Dated: 10.05.2018**