



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2018

CORAM:

THE HONOURABLE **MR. JUSTICE M. GOVINDARAJ**

W.P. (MD) No.13411 of 2018

and

W.M.P. (MD) No.12217 of 2018

Arul Prakash

... Petitioner

/vs./

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Tahsildar,
Tirupuvanam Taluk,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent not to dig the canal at the petitioner's place bearing S.No.86/3C, situated at Tirupuvanam Taluk, Tirupasethi, Sivagangai District.

For Petitioner :Mr.R.Murugappan

For Respondents :Mr.S.Nagarajan

Special Government Pleader

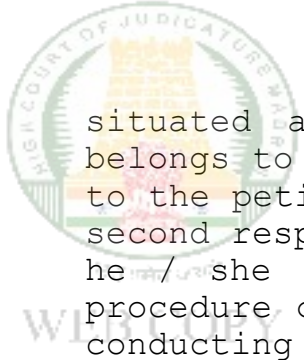
ORDER

Mr.S.Nagarajan, learned Special Government Pleader, takes notice on behalf of the respondents.

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

3. The petitioner is before this Court with the grievance that without following due process of law, the second respondent is going to dig a canal in the petitioner's property on the pretext it belongs Government. On the basis of the information given by the second respondent, the petitioner made a representation to the first respondent on 18.06.2018 that the land belongs to him. But sofar, the representation has not been considered by the first respondent.

4. Considering the facts and circumstances of the case, a direction is issued to the second respondent to verify or cause to verify the revenue and other records as to the classification of the property and to find as to whether the property in Survey No.86/3C,



situated at Tirupuvanam Taluk, Tirupasethi, Sivagangai District, belongs to the petitioner or not, after giving necessary opportunity to the petitioner and interested parties concerned. In the event the second respondent finds that the property belongs to the Government, he / she is directed to recover possession by following the due procedure of issuing show cause notice to the parties concerned and conducting an enquiry before taking any action.

5. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS-III)

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Tahsildar,
Tirupuvanam Taluk,
Sivagangai District.

+1 CC to Mr.R.MURUGAPPAN, Advocate in SR.No.69740

SM
RJ/PN/SAR-3/25/07/2018 - 2P/4C

Order made in
W.P. (MD) No.13411 of 2018

Dated:
25.06.2018