



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH**

W.P (MD) No.13463 of 2018
and W.M.P (MD) No.12275 of 2018

L.Chandrasekaran

... Petitioner

Vs.

1. The District Collector,
Sivagangai,
Sivagangai District.
2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
3. The Tahsildar,
Devakottai Taluk,
Sivagangai District.
4. The Zonal Deputy Tahsildar,
Devakottai,
Sivagangai District.

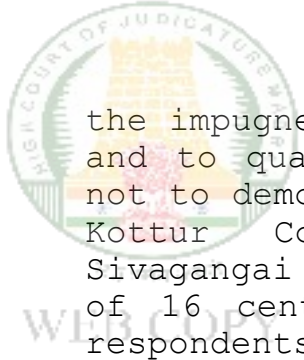
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records relating to the impugned order issued by the fourth respondent, dated 08.06.2018 and quash the same and consequently directing the respondents not to demolish the residential building with house site situated at Kottur Colony, Thirumanavayal Panchayat, Devakottai Taluk, Sivagangai District comprised in Survey No.61/2 having total extent of 16 cents under the guise of eviction process forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the same.

For Petitioner	: Mr.A.Mu.Sharavanan
For Respondents	: Mr.M.Jeyakumar, Additional Government Pleader.

ORDER

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



the impugned order issued by the fourth respondent, dated 08.06.2018 and to quash the same and consequently, directing the respondents not to demolish the residential building with house site situated at Kottur Colony, Thirumanavayal Panchayat, Devakottai Taluk, Sivagangai District comprised in Survey No.61/2 having total extent of 16 cents under the guise of eviction process forbearing the respondents from interfering with the petitioner's peaceful possession and enjoyment of the same.

2. Admittedly, the fourth respondent had issued the impugned notice under Section 7 of the Madras Land Encroachment Act, 1905, in respect of the land in Survey No.60/2.

3. The contention of the petitioner is that he is not the owner of the land in Survey No.60/2 and that he owns the land only in Survey No.61/2.

4. The learned counsel appearing for the petitioner submitted that under the guise of the impugned notice, dated 08.06.2018, the respondents are trying to take possession of the petitioner's land in Survey No.61/2, which is not the subject matter of the impugned notice, dated 08.06.2018. The learned counsel further submitted that the petitioner has no objection for the respondents taking possession of the land in Survey No.60/2.

5. Mr. M. Jeyakumar, learned Additional Government Pleader takes notice for the respondents and submitted that the fourth respondent had issued the notice under Section 7 of the Madras Land Encroachment Act, 1905, only in respect of the land in Survey No.60/2 and that they have not issued any notice in respect of Survey No.61/2 so far. The learned Additional Government Pleader further submitted that Survey No.61/2 is a Government poramboke land, which is in occupation of the petitioner.

6. In view of the submissions made by the learned counsel appearing on either side, since the fourth respondent had issued the notice only in respect of Survey No.60/2, the respondents can take possession of the land only in Survey No.60/2. Since the respondents have not issued any notice to the petitioner in respect of Survey No.61/2, they cannot dispossess the petitioner except under due process of law.

7. With these observations, we do not find any reason to keep the Writ Petition pending. Accordingly, the Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/



To

1. The District Collector,
Sivagangai,
Sivagangai District.

2. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3. The Tahsildar,
Devakottai Taluk,
Sivagangai District.

4. The Zonal Deputy Tahsildar,
Devakottai,
Sivagangai District.

+ 1 CC TO Mr.A.M.SHARAVANAN, ADVOCATE IN SR No. 69674

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 69782

PS

TE/VR/SAR-2 : 02/07/2018 : 3P/7C

W.P (MD) No.13463 of 2018
25.06.2018