

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 19.07.2018****CORAM:**

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

**W.P(MD)Nos.15796 & 15797 of 2018
and
W.M.P(MD)Nos.14150 to 14153 of 2018**

Visukku @ Adaikkan ... Petitioner in W.P(MD)No.15796/2018
A.Chinnaiah ... Petitioner in W.P(MD)No.15797/2018

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Tahsilar,
Melur Taluk,
Madurai District.
3. The Village Administrative Officer,
No.9, Manappacheri Village,
Melur Taluk,
Madurai District.
4. The Inspector of Police,
Kottampatti Police Station,
Melur,
Madurai District.

... Respondents in both W.Ps'

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned notice issued by the second respondent through Form No.5 dated 11.08.2017 in connection with the petitioner's house property situated in Survey No.360 at No.9, Manappacheri Village, Melur Taluk, Madurai District and quash the same and consequently direct the respondents not to interfere into the petitioner's peaceful possession and enjoyment of the said property.

For Petitioner : Mr.R.Anand
(in both W.P's)

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents : Mr.A.K.Baskara Pandian,
(in both W.P's) Special Government Pleader.

**COMMON ORDER**

(Order of the Court was made by **DR.ANITA SUMANTH,J.**)

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By consent, these Writ Petitions are taken up for final disposal.

2.These Writ Petitions are filed challenging notices issued by the Tahsildar, Melur Taluk, dated 11.08.2017 calling upon the petitioners to respond within a period of 21 days as to why they should not be evicted from Survey No.360 at No.9, Manappacheri Village, Melur Taluk, Madurai District on the ground that they are encroaching upon the said property.

3.On an earlier occasion, similar notices dated 04.08.2017 issued by the Village Administrative Officer in respect of the property at survey no.360 at No.9 were challenged by the same petitioners as in the present case along with two others on the ground that the notices lack jurisdiction. The Writ Petitions were allowed by a common order, dated 11.08.2017 quashing the impugned notices on the ground that the Village Administrative Officer was not competent to have issued the notices. On the very same date, the present impugned notices have been issued by the Tahsildar, who is admittedly the competent authority in this regard. The jurisdiction of the officer passing the impugned order, hence, is not in question.

4.The sole ground raised by the learned counsel appearing for the petitioners is that despite objections filed by the petitioners on 05.12.2017 to the impugned notices, there has been a move on the part of the respondents to evict them from the property even without considering the objections raised.

5.As pointed out by Mr.A.K.Baskarapandian, learned Special Government Pleader appearing for the respondents there is no proof or evidence produced by the petitioners to the effect that the representations have been filed at all before the Thasildar. Thus, a copy of the said representations may be furnished by the petitioners immediately, and in any event, within a period of one week to the Tahsildar to enable him to pass appropriate orders.

6.In conclusion, the petitioners are directed to furnish a copy of the representations to the Tahsildar within a period of one week from the date of receipt of this order. The second respondent will thereafter dispose of the objections, after hearing the petitioners within a period of four weeks from the date of receipt of the representations.



7. The Writ Petitions are disposed of in the aforesaid terms. No costs. Consequently, connected Miscellaneous Petitions are closed.

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/True Copy/

Sd/-

Assistant Registrar(crl side)

Sub Assistant Registrar(CS-IV)

To

1. The District Collector,
Madurai District,
Madurai.
2. The Tahsilar,
Melur Taluk,
Madurai District.
3. The Village Administrative Officer,
No.9, Manappacheri Village,
Melur Taluk,
Madurai District.
4. The Inspector of Police,
Kottampatti Police Station,
Melur,
Madurai District.

+1cc to Spl.Government Pleader Sr.No.74342

PS

VB/KAK/SAR4/11.08.2018/3P/6C

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