



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.08.2018**

CORAM:

THE HONOURABLE MR.JUSTICE **T.RAJA**

AND

THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. [MD].No.17846 of 2018

and

W.M.P. (MD) .Nos.15724 and 15725 of 2018

J.Rani

: Petitioner

Vs.

1. The District Collector,
Sivagangai District, Sivagangai.

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

3. The Tahsildar,
Devakottai Taluk, Sivagangai District.

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

: Respondents

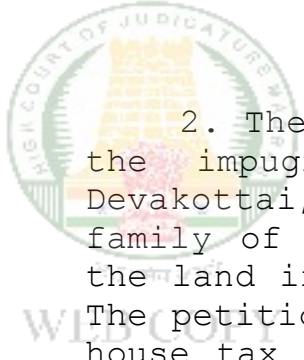
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the impugned order passed by the fourth respondent dated 29.06.2018 and quash the same.

For petitioner : Mr.D.Selvanayagam
For respondents : Mr.V.Anand
Government Advocate

O R D E R

[Order of the Court was made by **T.RAJA, J.**]

This Writ Petition has been filed challenging the impugned notice dated 29.06.2018 issued by the fourth respondent herein, calling upon the petitioner to remove the encroachment made by him in respect of the land in question within a period of fifteen days, as it is a Government Poramboke land.



2. The learned counsel appearing for the petitioner, assailing the impugned notice issued by the Zonal Deputy Tahsildar, Devakottai, the fourth respondent herein, submitted that the family of the petitioner has been in possession and enjoyment of the land in question for more than 100 years from her forefathers. The petitioner had put up construction and she was issued with the house tax receipt also. A copy of the house tax receipt issued by the authorities has been enclosed to show that the petitioner is the owner of the property in question. Therefore, according to the learned counsel, the fourth respondent ought not to have issued the impugned notice, calling upon her to remove the encroachment within a period of fifteen days.

3. Explaining further, the learned counsel for the petitioner submitted that the Tahsildar, Devakottai Taluk, Sivagangai District, the third respondent herein, has made certain subdivisions on the petitioner's patta land and prepared a field map, which contains lot of discrepancies and errors. Based on the said field map prepared by the third respondent, the fourth respondent has issued the impugned notice dated 29.06.2018 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, which was served on the petitioner on 20.07.2018. Immediately, the petitioner submitted a representation before the District Collector, Sivagangai, on 23.07.2018 to rectify the said mistakes and errors. However, even before disposing of the said representation, the authorities concerned cannot forcibly evict the petitioner from the land in question.

4. We are unable to appreciate the arguments advanced by the learned counsel appearing for the petitioner. The reason being, the impugned proceedings issued by the fourth respondent clearly indicates that the petitioner has been in encroachment of the land covered in Survey No.777/8, which is Government Poramboke Street [Veethi]. First of all, the petitioner, who claims to be in possession and enjoyment of the land for a long time, should have placed before us at least some documents issued by the Revenue Authorities recognizing her peaceful possession and enjoyment of the property in question. At no point of time, the Revenue Authorities had issued any document in her favour recognizing her possession. Secondly, there is no document produced showing the ownership of the petitioner in respect of the land in question. Thirdly, the Ration Card and the Electricity Receipt filed by the petitioner in the typed set of papers do not even show the address of the property to prove the possession and enjoyment of the petitioner.

5. Mr.V.Anand, learned Government Advocate appearing for the respondents, on the other hand, produced a photostat copy of the map showing that Survey No.777/8 is only a Government Poramboke Street [veethi].



6. Thus, for the reasons stated above, we are not able to grant a limited relief of considering the representation of the petitioner. The Writ Petition is, therefore, dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

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Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar(CS-I)

To

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

+1cc to Mr.D.Selvanayagam, Advocate Sr.No.78575

+1cc to Spl.Government Pleader Sr.No.78243

NB

VB/KAK/SAR1/03.09.2018/3P/7C

ORDER MADE IN
W.P. [MD] .No.17846 of 2018
and
W.M.P. (MD) .Nos.15724 and 15725 of 2018
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