



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Dated : 14.08.2018

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
And
THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD) No.17987 of 2018
and
WMP (MD) No.15870 & 15871 of 2018

M.Muniyappan ... Petitioner
vs.

1.State rep. By its
The District Collector,
Dindigul District, Dindigul.

2.The Tahsildhar,
Office of the Tahsildhar,
Oddanchatram,
Palani Taluk,
Dindigul District.

3.The Block Development Officer,
Panchayat Union,
Oddanchatram,
Palani Taluk,
Dindigul District.

4.A.Karuppusamy ... Respondents

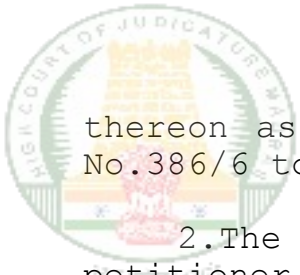
Prayer: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus calling for records relating to proceeding Na.Ka.No.3029/2014/B4, dated 25.07.2018 issued by the third respondent and quash the same as illegal and consequently forbearing the third respondent from disposing the petitioner from Plot No.3, S.No.386/6, Virupatchi Village, Oddanchatram Taluk, Dindigul District.

For Petitioner : Mr.V.Muthumani
For R1 to R3 : Mr.C.Ramar
Additional Government Pleader
* * *

ORDER

(Order of the Court was made by T.RAJA, J.)

This writ petition is directed against the notice, dated 25.07.2018, issued by the Block Development Officer, Panchayat Union, Oddanchatram, Palani Taluk, Dindigul District, asking the petitioner to remove the compound wall and cement sheet roof put up



thereon as it is an encroachment made by the petitioner in Survey No.386/6 to an extent of 0.00.67 Sq.mt.

2.The learned counsel for the petitioner submitted that the petitioner is a pattadar and he has been assigned the land in question, but copy of the assignment or patta has not been filed along with this writ petition.

3.In view of the above, this Court is of the opinion that if the petitioner is a pattadar or assigned the land in question, he is directed to approach the Block Development Officer, Panchayat Union, Oddanchatram, Palani Taluk, Dindigul District, the third respondent herein, with all revenue documents and explain before the Block Development Officer, Panchayat Union, Oddanchatram, Palani Taluk, Dindigul District that he is not an encroacher of the land in question as indicated in the proceedings, dated 25.07.2018. If the petitioner is able to produce any document satisfying the third respondent that he is not an encroacher, the Block Development Officer shall consider the same. If the petitioner is unable to produce any document that he is not an encroacher, the third respondent shall proceed, as per orders passed by this Court.

4.With the above directions and observations, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/

Assistant Registrar(CS-II)

/True copy/

Sub Assistant Registrar(CS-I)

To

1.The District Collector,
Dindigul District, Dindigul.

2.The Tahsildhar,
Office of the Tahsildhar,
Oddanchatram, Palani Taluk,
Dindigul District.

3.The Block Development Officer,
Panchayat Union, Oddanchatram,
Palani Taluk, Dindigul District.

+1cc to Mr.R.SENTHIL KUMAR, Advocate, SR.No.78615

W.P(MD)No.17987 of 2018
14.08.2018

RJ2

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

KK/RF/SAR-1/04.09.2018/2P-5C