



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.12.2018

CORAM

THE HON'BLE **MR.JUSTICE M.NIRMAL KUMAR**

AND

THE HON'BLE **MR.JUSTICE C.SARAVANAN**

W.P(MD)No.24866 of 2018

K.Raju

...Petitioner

-Vs.-

The Block Development Officer (V.P.),
Avudaiyarkovil Panchayat Union,
Avudaiyarkovil Taluk,
Pudukottai District.

...Respondent

Prayer: This Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records pertaining to the impugned notice in Na.Ka.No.2322/2017/thi3, dated 14.12.2018 passed by the respondent and quash the same.

For Petitioner

: Mr.K.Baalasundharam

For Respondent

: Mr.V.R.Shanmuganathan
Special Government Pleader

O R D E R

(Order of the Court was made by **C.SARAVANAN, J.**)

Though the writ petition is posted on 03.01.2019, the learned counsel appearing for the petitioner mentioned and produced a copy of the letter in Na.Ka.No.2322/2017/thi3, dated 21.12.2018, wherein the respondent directed the petitioner to remove the encroachment by 25.12.2018. At request of the learned counsel appearing for the petitioner, this matter is taken up today for final disposal.

2. It is seen that the respondent directed the petitioner to remove the encroachment in S.No.119/6 and S.No.119/1 of Vilaanur Village by 20.12.2018, on the ground that both the properties are constituted in water body, by way of the impugned notice in Na.Ka.No.2322/2017/thi3, dated 14.12.2018. Challenging the same, this writ petition has been filed.

3. The learned counsel appearing for the petitioner submits that again, the respondent directed the petitioner to remove the encroachments in the above said survey numbers by 25.12.2018 itself, by way of letter in Na.Ka.No.2322/2017/thi3, dated 21.12.2018.



4. The learned Special Government Pleader submits that S.No.119/1 is classified as Government Poramboke Voorani and S.No.119/6 is classified as ryotwari Punja land, on which the petitioner has put up construction.

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5. In view of the above, we direct the Thasildar, Avudaiyarkovil, Pudukottai District, to initiate appropriate proceedings, under the Provisions of Tamil Nadu Land Encroachment Act, 1905, insofar as the land in S.No.119/1, which is a water body.

6. Accordingly, this writ petition is closed. No costs.

Sd/-
Assistant Registrar()

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1.The Block Development Officer (V.P.),
Avudaiyarkovil Panchayat Union,
Avudaiyarkovil Taluk,
Pudukottai District.

2.The Thasildar,
Avudaiyarkovil,
Pudukottai District.

+1cc to Mr.K.Baalasundharam, Advocate Sr.No.101948

SM

KM/SV/SAR3/28.12.2018/2P/4C

W.P(MD)No.24866 of 2018
27.12.2018