

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2019

CORAM :

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.33511 of 2005

and

MP.No. 36448 of 2005

St. Joseph Convent,
Rep. by its Correspondent,
Mother Superior Sister Gonsala,
Pagalpatty, Omalur Taluk,
Salem - 636 304.

..Petitioner

Vs

- 1.The District Collector,
Salem District, Salem.
- 2.The District Revenue Officer,
Salem.
- 3.The Revenue Divisional Officer,
Mettur, Salem District.
- 4.The Tahsildar,
Omalur, Salem District.

.. Respondents

Prayer: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings made in Na.Ka.10290/2005/B6 dated 08.09.2005 issued by the fourth respondent and quash the same and consequently forbear the respondents from evicting the petitioner from the lands comprised in Survey No.51/1 and 51/3, Pagalpatty Village, Omalur Taluk, Salem District.

For Petitioner : Mr.G.Ethirajulu

For Respondents : Mrs.R.Janaki
Additional Government Pleader
for R1 to R4

O R D E R

The learned counsel appearing on behalf of the writ petitioner fairly made a submission that during the pendency of the writ petition, the respondents had initiated action for eviction of the writ petitioner from the Government land and the encroachments were already removed.

2. It is contended by the learned counsel for the writ petitioner that over and above the Government land, the officials have taken the patta land belongs to the writ petitioner also. The patta land measuring 5 cents and above are taken away by the officials without measuring the land properly.

3. In view of the fact that the encroachments had already been removed from the Government land, the respondents are directed to remeasure the entire land in which the eviction proceedings were carried on and if any excess patta land is taken away, they are bound to initiate action to return the same to the original land owners.

4. With these observations, the writ petition stands disposed of. No Costs. Consequently, connected miscellaneous petition is closed.

Pkn

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The District Collector,
Salem District, Salem.
2. The District Revenue Officer,
Salem.
3. The Revenue Divisional Officer,
Mettur, Salem District.
4. The Tahsildar,
Omair, Salem District.

+1cc to Mr.G.Ehirajulu, Advocate, S.R.No.7440

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kak(08/03/2019)