



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P(MD)NO.14317 OF 2019

and

W.M.P(MD)No.10743 of 2019

Palanisamy

:Petitioner

.vs.

The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai,
Dindigul District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned notice of the respondent vie his proceedings in Na.Ka.No.3 of 2016, dated 14.06.2019 and to quash the same as illegal and consequently to direct the respondent not to evict the Petitioner from the Petitioner's property in S.F.No.551/A2A1 and S.F.No.551/A1A, for an extent of 2332 sq.ft situated in Vadamadurai Village, Vendasandur Taluk, Dindigul District without following any due process of law.

For Petitioner
For Respondent

:Mr.T.Vadivelan
:Mr.M.Karuppasamy
Govt.Advocate

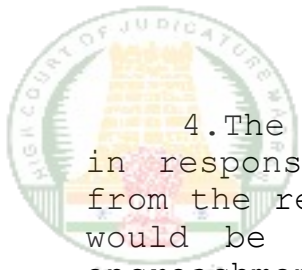
O R D E R

[Order of the Court was made by **SENTHILKUMAR RAMAMOORTHY.,J.**]

This Writ Petition is filed challenging the impugned notice, dated 14.6.2019 of the respondent herein.

2.The case of the Petitioner is that the Petitioner and his family members purchased a house-site in S.F.No.551/A2A1 and S.F.No.551/A1A in Vadamadurai Village, Vendasandur Taluk, Dindigul District. It is further submitted that the Petitioner has paid house-tax, water-tax and other taxes in respect of the said property. In these facts and circumstances, the Petitioner states that the notice, dated 14.6.2019 was received directing the Petitioner to remove the encroachment in the public pathway and that the said notice was issued without issuing any prior show-cause notice under provisions of the Tamil Nadu Panchayat Act.

3.Heard the learned counsel appearing for the Petitioner and the learned Government Advocate appearing for the respondent.



4.The learned Government Advocate appearing for the respondent, in response, would submit that by communication, dated 1.7.2019 from the respondent to the Tahsildar, it is communicated that survey would be conducted in order to ascertain whether there is any encroachment in the subject-matter survey numbers.

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5.In view of the fact that the survey is going to be conducted so as to ascertain as to whether there is any encroachment in the subject-matter survey numbers, without expressing any opinion on the merits of the case, this Writ Petition is disposed of by directing the respondent herein to ascertain as to whether there is any encroachment in the subject-matter survey numbers and if so, take further action in accordance with the provisions of the Tamil Nadu Land Encroachment Act, 1905, through Revenue Officials by providing adequate opportunity to the Petitioner. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar(CS)

To

The Executive Officer,
Vadamadurai Town Panchayat,
Vadamadurai,
Dindigul District.

+1 CC to Mr.T.VADIVELAN, Advocate SR-72854.

ORDER MADE IN
W.P(MD)NO.14317 OF 2019
and
W.M.P(MD)No.10743 of 2019
02.07.2019

CS: (10/07/2019) 2P 3C