



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU
AND
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) NO.14319 OF 2019andW.M.P (MD) No.10749 of 2019

P.Perumal :Petitioner
.vs.

1.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

2.The Executive Officer,
Vadamadurai Town Panchayat,
Vedasandur Taluk,
Dindigul District.

: Respondents

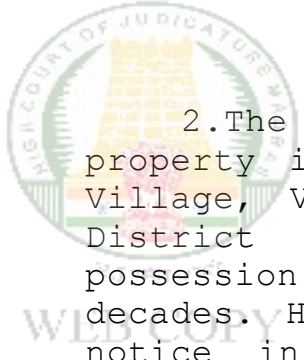
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings vide Na.Ka.No.3/2016, dated 14.6.2019 on the file of the second respondent and to quash the same as illegal and further to direct the respondents not to disturb the possession and enjoyment of the Petitioner's house in Old Survey.No.691/2, New Survey.NO.2347/2 at Mottampatti Village, Vadamadurai Town Panchayat, Vedasandur Taluk, Dindigul District without following the due process of law.

For Petitioner	:Mr.N.Karthik Kanna
For Respondent-1	:Mr.M.Karuppasamy
	Govt.Advocate
For Respondent-2	:No appearance

O R D E R

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

This Writ Petition is filed challenging the proceedings, dated 14.6.2019 of the second respondent /The Executive Officer, Vadamadurai Town Panchayat.



2.The case of the Petitioner is that he has an ancestral property in Old S.No. 691/2, New S.NO.2347/2 at Mottampatti Village, Vadamadurai Town Panchayat, Vedasandur Taluk, Dindigul District and that he and his family members are in peaceful possession and enjoyment of his house for more than three decades. He further states that he was served with a impugned notice in order to harass him at the instigation from hostile persons for their personal vengeance.

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

4.The learned counsel for the Petitioner submits that the Petitioner has been in enjoyment of the property for the past thirty years and has been paying the Electricity Bill and house-tax. He further submits that the impugned notice is a colorable exercise of power and that the Petitioner has been unfairly discriminated against while there are other encroachers.

5.The learned Government Advocate appearing for the first respondent submit that the Executive Officer has issued a communication, dated 1.7.2019 to the Tahsildar, requesting that a survey would be conducted in Old S.No. 691/2, New S.NO.2347/2 so as to ascertain the boundaries thereof and to know as to whether there is any encroachment.

6.Accordingly, without expressing any opinion on the merits of the dispute, this Writ Petition is disposed of by directing that the survey be carried out and if it is concluded that there is any encroachment on the basis of such survey, further proceedings be initiated in accordance with the provisions of the Tamil Nadu Land Encroachment Act,1905, after providing sufficient opportunity to the Petitioner to submit his explanations/objections. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Tahsildar,
Vedasandur Taluk,
Dindigul District.

2.The Executive Officer,
Vadamadurai Town Panchayat,
Vadasandur Taluk,
Dindigul District.

+1 CC to M/s.SPL GP (SR-73216[F] dated 03/07/2019)

+1 CC to M/s.N.KARTHIK KANNA, Advocate (SR-73250[F] dated 04/07/2019)

TS(15.07.2019) 3P 5C

ORDER MADE IN
W.P(MD)NO.14319 OF 2019
and
W.M.P(MD)No.10749 of 2019

02.07.2019