



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.03.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

**W.P (MD) NO.6403 OF 2019
and
W.M.P (MD) No.5112 of 2019**

Saravanan : Petitioner

.vs.

- 1.The District Collector,
Pudhukkottai District,
Pudhukkottai.
- 2.The Tahsildar,
Kulathur Taluk,
Taluk Office,
Pudhukkottai District.
- 3.The Block Development Officer,
Kunrandar Kovil Union Panchayath,
Pudhukkottai District.

4.C.Elangovan : 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 order passed in Na.Ka.No.3/468/2017/Thi.3, dated 1.3.2019 and to quash the same as illegal and consequently to forbear the third respondent from evicting the Petitioner's residential house which is situated at Door No.51, Nadu Street, Vathanakkottai Village, Kulathur Taluk, Pudhukkottai District.

For Petitioner : Mr.R.Karunanidhi

For Respondents : Mr.Aayiram K.Selvakumar
1 and 2 Addl. Govt.Pleader

For Respondent-3 : Mr.J.Gunaseelan Muthiah
Addl. Govt.Pleader

**O R D E R***********

[Order of the Court was made by **K.KALYANASUNDARAM. ,J.**]

By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

2.Heard Mr.R.Karunanidhi, learned counsel appearing for the Petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader appearing for the third respondent and perused the materials available on record. Considering the prayer sought for by the Petitioner in this Writ Petition, notice to the fourth respondent is dispensed with.

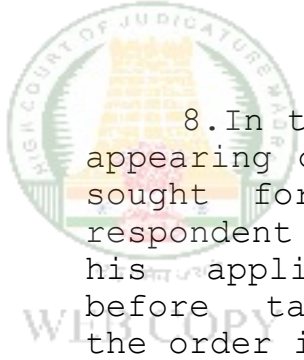
3.The Petitioner has come forward with this Writ Petition seeking issuance of a Writ of Certiorarified Mandamus to quash impugned order passed by the third respondent, dated 1.3.2019 and to forbear the third respondent from evicting the Petitioner's residential house, which is situated at Door No.51, Nadu Street, Vanthanakkottai village, Kulathur Taluk, Pudukkottai District.

4.The case of the Petitioner is that his father purchased the properties in S.Nos.70/30, 70/32 and 70/39 in Vathanakkottai Village, Kulathur Taluk, Pudukkottai District and he was also issued with patta in Patta No.313.It is further stated that his father constructed a dwelling house in S.No.70/30 in the year 1996 and since then, the Petitioner and his family members have been in continuous possession and enjoyment of the same.

5.Mr.R.Karunanidhi, learned counsel appearing for the Petitioner would state that at the instance of the fourth respondent, the third respondent has initiated proceedings to evict the encroacher in S.Nos.70/9 and 70/31, but so far, no survey was conducted and the impugned notice has been issued as if the Petitioner has encroached upon some portion of the said land.

6.The learned counsel would further state that the Petitioner has also submitted a representation, dated 15.1.2019. Without considering the same, now the respondents 1 to 3 are attempting to remove the encroachment. It is further stated that the Petitioner would be satisfied if the second respondent is directed to conduct a survey and take further action after considering the representation of the Petitioner.

7.The learned Additional Government Pleader appearing for the respondents 1 to 3 would state that they are ready to conduct a survey of the disputed property in the presence of the Petitioner and also consider his representation and thereafter to proceed with the matter.



8. In the light of the above submissions of the learned counsel appearing on either side and considering the nature of prayer sought for by the Petitioner, this Court directs the second respondent to conduct a survey of the disputed property based on his application and consider his representation, dated 15.1.2019 before taking further action by the third respondent. Till then, the order impugned in this Writ Petition shall be kept in abeyance.

9. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Pudhukkottai District,
Pudhukkottai.
2. The Tahsildar,
Kulathur Taluk,
Taluk Office,
Pudhukkottai District.
3. The Block Development Officer,
Kunrandar Kovil Union Panchayath,
Pudhukkottai District.

+1 CC to M/s.R.KARUNANIDHI, Advocate SR-54895
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.55363

ORDER MADE IN
W. P (MD) NO. 6403 OF 2019
and
W. M. P (MD) No. 5112 of 2019
19.03.2019

vsn
PK/05.04.2019 : 3P/6C