



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.7224 of 2019
and
W.M.P. (MD) .No.5784 of 2019

G.Pandi

... Petitioner

Vs.

- 1.The State of Tamil Nadu
represented by its District Collector,
Office at District Collector Office Complex,
Dindigul District.
2. The Special Officer,
Mattaparai Panchayat,
Block Development Officer (East Panchayat),
Nilakottai Panchayat Union,
Nilakottai.
3. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

... Respondents

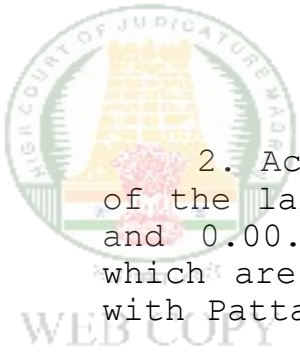
Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent and to quash the impugned notice, dated 27.02.2019 in Na.Ka.No.3437/2017/73 as null and void.

For Petitioner	: Mr.R.Narayanan
For R1 & R3	: Mr.V.R.Shanmuganathan Special Government Pleader
For R2	: Mrs.J.Padmavathi Devi Special Government Pleader

O R D E R

(Order of the Court was made by **K.KALYANASUNDARAM, J.**)

<https://hcservices.ecourts.gov.in/hcservices/> This writ petition has been filed to quash the order of the second respondent dated 27.02.2019, in and thereby the petitioner was directed to remove the encroachment.



2. According to the petitioner, he and his wife are the owners of the lands to the extent of 0.00.90 hectares in Survey No.154/4 and 0.00.65 hectares in Survey No.154/35 of Nilakottai Village which are classified as Village Natham and they were also issued with Patta bearing Numbers 435 and 439.

3. The grievance of the petitioner is that the second respondent has issued a notice alleging that the petitioner has encroached upon the land in Survey No.154/1. It is the specific case of the petitioner that they have not made encroachment in Survey No.154/1 and the second respondent has no authority to issue the notice.

4. Heard Mr.R.Narayanan, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

5. Considering the grievance expressed by the petitioner and also the averments made in the affidavit, this writ petition is disposed of directing the third respondent to conduct a survey in the land in Survey No.154/1 of Nilakottai Village, after issuing proper notice to the petitioner and if there is any encroachment in the land, the third respondent shall take further action to remove the encroachment, in accordance with law.

6. With the above direction and observation, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)

akv

To

1. The District Collector,
State of Tamil Nadu,
Office at District Collector Office Complex,
Dindigul District.

2. The Special Officer,
Mattapparai Panchayat,
Block Development Officer (East Panchayat),
Nilakottai Panchayat Union,
Nilakottai.



3. The Tahsildar,
Nilakottai Taluk,
Dindigul District.

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+1CC TO MR.R.NARAYANAN, Advocate Sr. No. 57073

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 57735

W.P. (MD) .No.7224 of 2019
27.03.2019

KM(CO)

TR (02.05.2019) 3P 6C