



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.09.2019

CORAM:

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE Mrs.JUSTICE R.THARANI

W.P. (MD) .No.19402 and 19416 of 2019

and

W.M.P. (MD) .Nos.15847 and 15862 of 2019

1.N.Lakshmanasamy ... Petitioner in W.P(MD)No.19402 of 2019

2.L.P.Veluchamy ... Petitioner in W.P(MD)No.19416 of 2019

Vs.

1.The Tahsildar,
Uthamapalayam Taluk,
Theni District.

2.The Block Development Officer,
(Village Panchayat),
Chinnamannur Panchayat Union,
Theni District.

... Respondents in both W.Ps'

PRAYER in W.P(MD)No.19402 of 2019: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from in any way evicting the Petitioner from the land measuring 0.20.0 Ares in Natham Old S.No.283/2, New S.No.867/2 in Seeplakottai Village, Chinnamannur Union, Theni District, on the basis of the notice in Na.Ka.No.1915/2019.Thi2, dated 30.08.2019 issued on 4.9.2019 by the second respondent.

PRAYER in W.P(MD)No.19416 of 2019: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the entire records relating with the notice for removal of encroachment made in Na.Ka.No.1915/2019.Thi2, dated 30.08.2019 issued on 4.9.2019 by the second respondent and to quash the same as arbitrary and illegal to an extent of S.No.868/5 is concerned.



For Petitioner
in both W.Ps'

: Mr.R.Suriyanarayanan

For Respondent-1
in both W.Ps'

: Mr.M.Murugan
Government Advocate

For Respondent-2

:Mrs.V.P.M.Vaishnavi
Govt.Advocate

COMMON ORDER

(Order of this Court was made by **T.S.SIVAGNANAM, J**)

Heard Mr.R.Suriyanarayanan, learned counsel appearing for the petitioners and Mr.M.Murugan, learned Government Advocate, who accepts notice on behalf of the first respondent and Mrs.V.P.M.Vaishnavi, learned Government Advocate, who accepts notice on behalf of the second respondent.

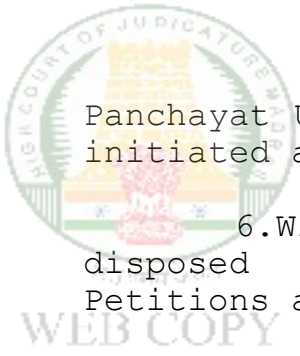
2.By consent of either side, these writ petitions are taken up for disposal.

3.The Petitioners are aggrieved by the notice issued by the Block Development Officer, Chinnamannur Panchayat Union, Theni District, dated 30.08.2019 to remove the encroachment in terms of the directions issued in an earlier Writ Petition. The Petitioners' claim is that the occupation of the property is for several years and it is classified as ''Natham Land''. In the case of Petitioner/N.Lakshmanasamy, it is pointed out by the learned counsel for the Petitioner that the land which is under his occupation is not mentioned in the order passed by the Tahsildar, Uthamapalayam Taluk, Theni District, dated 14.8.2019, which is a genesis for the impugned notice.

4.In our considered view of this Court, this issue has to be considered by the Revenue Authorities and however, merely because the land is classified as Natham land, the Petitioners do not have any indefeasible right to occupy the same without any patta being granted to them. This question has to be answered definitely as no. From the order passed by the Tahsildar, Uthamapalayam Taluk, Theni District, dated 14.8.2019, it is seen that the land has been earmarked for various purposes including construction of a Government High School.

5.What is impugned before us is only a consequential notice issued by the Block Development Officer, Chinnamannur Panchayat Union, Theni District, dated 30.8.2019 and this notice itself is based on an order passed by the Tahsildar, dated 14.8.2019, which has not been impugned. Hence, We cannot interfere with the order impugned herein. If there is any error in the survey number, it may

<https://hcservices.ecourts.gov.in/hcservices/> by the Block Development Officer, Chinnamannur



Panchayat Union, Theni District and thereafter proceedings can be initiated against the Petitioners herein.

6. With the above directions, these Writ Petitions stand disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

vsn

To

1. The Tahsildar,
Uthamapalayam Taluk,
Theni District.

2. The Block Development Officer,
(Village Panchayat),
Chinnamannur Panchayat Union,
Theni District.

+2 CC to M/s.R.SURIYANARAYANAN, Advocate SR-85729 & 85728.
+1 CC to GP SR-85873.

COMMON ORDER MADE IN
W.P. (MD) .No.19402 and
19416 of 2019

and
W.M.P. (MD) .Nos.15847 and
15862 of 2019
06.09.2019

CS(25.09.2019) 3P 6C