



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **03.10.2019**
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.21152 of 2019
and
W.M.P. (MD)No.17787 of 2019

S.Subramani

... Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The Executive Engineer,
Public Works Department,
Water Resources Organization,
Manjalaru Basin Divison,
Periyakulam, Theni District.

3.The Assistant Engineer,
Public Works Department,
Water Resource Organization,
Irrigation Section,
Andipatti, Theni District.

4.The Tahsildar,
Andipatti,
Theni District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the third respondent from conducting eviction drive of encroachment in S.No.436/1 of Mayiladumparai Village, Andipatti Taluk, Theni District in pursuance of his notice dated 07.09.2019.

For Petitioner	: Mr.R.Venkateswaran
For Respondents	: Mr.A.K.Baskara Pandian Special Government Pleader

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Venkateswaran, learned counsel for the petitioner
and Mr.A.K.Baskara Pandian, learned Special Government Pleader for
<https://hcservices.ecourts.gov.in/hcservices/>



the respondents. By consent on either side, this writ petition is taken up for final disposal.

2. The petitioner seeks for a direction upon the third respondent not to take any action to forcibly dispossess the petitioner from the land in Survey No.436/1 situated at Mayiladumparai Village, Andipatti Taluk, Theni District in pursuance of the notice, dated 07.09.2019.

3. According to the petitioner, while effecting resettlement, the land adjacent to the Sengulam Tank was wrongly classified as Sengulam Tank Poramboke. It is submitted that this has been recorded in the proceedings of the District Revenue Officer, Madurai dated 22.06.1976. It is further submitted that earlier thrice, proceedings were initiated for eviction and after going through the records, the proceedings were stopped. This is the fourth attempt being made by the third respondent.

4. Considering these facts, we are of the view that the impugned notice cannot be quashed at this stage. However, the stand taken by the petitioner needs to be examined in its correctness. However, this cannot be examined by the Public Works Department, because the petitioner relies upon certain proceedings of the District Revenue Officer, in which there is a statement that there is a wrong reclassification.

5. Therefore, we direct that the petitioner shall submit a reply to the impugned notice, dated 07.09.2019 within a period of one week from the date of receipt of a copy of this order. The copy of the reply shall be forwarded to the fourth respondent, namely Tahsildar, Andipatti, Theni District. On receipt of such reply, an inspection be conducted by the officials of the office of the Tahsildar and the third respondent. Based on such inspection, the stand taken by the petitioner and after verification of revenue records, appropriate orders be passed on merits and in accordance with law assigning reasons. The above direction shall be complied with within a period of two weeks from the date, on which inspection is completed. Till then, status quo, which is prevailing as on date with regard to the land, shall be maintained.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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To

1.The District Collector,
Theni District, Theni.

2.The Executive Engineer,
Public Works Department,
Water Resources Organization,
Manjalaru Basin Divison,
Periyakulam, Theni District.

3.The Assistant Engineer,
Public Works Department,
Water Resource Organization,
Irrigation Section,
Andipatti, Theni District.

4.The Tahsildar,
Andipatti,
Theni District.

+1 CC to Mr.R.VENKATESWARAN, Advocate (SR-91153[F] dated 03/10/2019)

+1 CC to spl.GP (SR-91343[F] dated 04/10/2019)

W.P (MD) No.21152 of 2019

03.10.2019

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