



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P(MD)No.21937 of 2019

and

W.M.P. (MD)Nos.18697 and 18698 of 2019

C.Karuppaiah Asari

.. Petitioner

Vs.

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Revenue Divisional Officer,
Srirengam,
Tiruchirappalli District.

3.The Tahsildar,
Marugapuri Taluk,
Tiruchirappalli District.

4.The Executive Officer,
Ponnampatti Town Panchayat,
Thuvarankurichi,
Marungapuri Taluk,
Tiruchirappalli District.

5.N.Katharmeera

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the third respondent in Na.Ka.A2/664/2019 dated 09.07.2019 and to quash the same as illegal and consequently directing the third respondent to survey the land bearing S.No.232/2, Sengulam, Thuvarankurichi Village, Marungapuri Taluk, Tiruchirappalli District by considering the petitioner's representation, dated 07.07.2019.



For Petitioner : Mr.S.Kanagarajan
For R1 to R3 : Mr.A.K.Baskara Pandian
Special Government Pleader
For R4 : Mrs.S.Srimathy
Special Government Pleader

ORDER

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

Heard Mr.S.Kanagarajan, learned counsel appearing for the petitioner, Mr.A.K.Baskara Pandian, learned Special Government Pleader, appearing for the respondents 1 to 3 and Mrs.S.Srimathy, learned Special Government Pleader for the fourth respondent. By consent on either side, this writ petition is taken up for final disposal.

2. The petitioner has challenged an order passed under Section 6 of the Tamil Nadu Land Encroachment Act on the ground that no opportunity was granted to the petitioner and no survey was conducted prior to branding the petitioner as encroacher.

3. As rightly pointed out by the learned Special Government Pleader that notice under Section 7 of the Act was issued on 07.06.2019, for which the petitioner did not submit any objection. Subsequently, notice under Section 6 has been issued on 27.06.2019.

4. The learned counsel for the petitioner submits that on 07.07.2019 objections were given. However, there is no proof to show that objections were submitted to the Tahsildar, Marungapuri. Therefore, the Tahsildar rightly issued the impugned notice fixing the date for removal of encroachment.

5. The learned counsel for the petitioner would submit that the petitioner is not an encroacher and he is residing in his patta land for over 60 years and at the behest of the sixth respondent, action has been initiated and the same is not legal.

6. If such is the argument before this Court, there is no record to establish the fact that patta was granted in favour of the petitioner. However, considering the fact that the petitioner is not highly educated, we deem it appropriate to grant one more opportunity to the petitioner and accordingly, the petitioner is directed to appear before the Tahsildar, Marungapuri, on 18.11.2019 and submit all his documents and representation. On receipt of the same, the Tahsildar, if deem it appropriate, can measure the property after issuing notice to the petitioner and then pass orders on merits and in accordance with law.



7. The petitioner in his representation, dated 07.07.2019 has stated that if there is any encroachment, he is ready to vacate. Therefore, if the Tahsildar find any encroachment in the Government land, immediately the same shall be removed. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

/TRUE COPY/

Sub Assistant Registrar

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To

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Revenue Divisional Officer,
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- 3.The Tahsildar,
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- 4.The Executive Officer,
Ponnampatti Town Panchayat,
Thuvarankurichi,
Marungapuri Taluk,
Tiruchirappalli District.

+1 CC to M/s.SPL GP (SR-93118[F] dated 18/10/2019)
+1 CC to M/s.S.KANAGARAJAN, Advocate (SR-93191[F] dated
21/10/2019)

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17.10.2019

JM/22.10.2019/3P/7C