



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.21865 of 2019

and

W.M.P.[MD]Nos.18616 & 18618 of 2019

WEB COPY

Chinnaiah

: Petitioner

Vs.

The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

: Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records pertaining to the impugned notice dated 05.10.2018 issued by the respondent herein and quash the same as illegal.

For Petitioner : Mr.S.Vinayak
For Respondent : Mr.A.Muthukaruppan
Additional Government Pleader

O R D E R

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

Heard Mr.S.Vinayak, learned Counsel appearing for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondent.

2.This writ petition has been filed challenging the notice issued by the authorities directing encroachment to be removed which has been caused by the petitioner.

3.Learned Counsel for the petitioner attacks the impugned order on three grounds. Firstly, on the ground that no survey was conducted before issuing the impugned notice. Secondly, it is contended that the petitioner has got an assigned patta and can never be treated as an encroacher. Thirdly, the petitioner is not put on notice as to what is the nature of encroachment.

4.Learned Additional Government Pleader produced the files, the survey report as well as the sketch prepared, which clearly



demarcates the encroachment.

5.It is not only the petitioner who encroached the common property such as community land, road etc., but there are several other encroachers. It is evidently clear that the present attempt is to stall the eviction process which has commenced during September 2018. Therefore, we find that there is absolutely no bonafide in this writ petition.

6.Accordingly, the Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

MR

To
The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-93019[F] dated 18/10/2019)

+1 CC to M/s.SPL GP (SR-93110[F] dated 18/10/2019)

Order made in
W.P. [MD]No.21865 of 2019
Dated: 17.10.2019

KM/(29.11.2019) 2P 4C