



WEB COPY

Writ Petition (MD).Nos.24536, 24538,
24540, 24541 and 24542 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).Nos.24536, 24538,
24540, 24541 and 24542 of 2019

and

W.M.P(MD).Nos.21155, 21159, 21160,
21161 and 21162 of 2019

Boominathan	 Petitioner in W.P(MD).No.24536 of 2019
Dharmar	... Petitioner in W.P(MD).No.24538 of 2019
Karuppanan @ Thirumurugan	... Petitioner in W.P(MD).No.24540 of 2019
Muthu Rakku	... Petitioner in W.P(MD).No.24541 of 2019
Mariappan	... Petitioner in W.P(MD).No.24542 of 2019

Vs.

1.The District Collector,
Office of the District Collector,
Virudhunagar Dindigul.

2.The Tahsildar,
Office of the Taluk Office,
Kariyapatti Taluk,
Virudhunagar District.

3.The Revenue Inspector,
Mudukkankulam,
Kariyapatti Taluk,
Virudhunagar District.

all

... Respondents in
petitions

COMMON PRAYER: Writ Petitions are filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the impugned notice issued by the third respondent herein dated 11.11.2019 and to quash the same as illegal and unconstitutional.



In all petitions

For Petitioners : Mr.G.Thalaimutharasu

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader

COMMON ORDER

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

Heard Mr.G.Thalaimutharasu, learned Counsel appearing for petitioners and Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents.

2.By consent of both sides, these writ petitions are taken up for final disposal at the admission stage itself.

3.In these writ petitions, the petitioners have challenged the notice issued under Section 7 of the Tamil Nadu Lands Encroachment Act, directing the petitioners to file their objections stating as to why they should not be evicted from the lands in question, which according to the third respondent are classified as Cart Track (வண்டிப்பாதை). Challenge to the impugned order is on the ground that all the petitioners have been granted patta in respect of the lands in question and issuance of notice of eviction is wholly without jurisdiction. Apart from that, it is contended that for several decades, there has been no cart track in existence in the said land.

4.It is not clear as to whether any inspection of the said property was carried out before initiating action alleging that the petitioners are encroachers. On going through the copies of the patta filed in the typed set of papers, we find that in respect of Survey Nos.31/1 and 32/2, there appears to be no patta granted. A copy of A register has been produced by the learned counsel for the petitioners. It shows that the lands comprised in Survey Nos.31/2, 32/2, 34/3 and 35/2 are all Government poramboke lands and classified as cart track (tz;bg;ghij).

5.In the light of the above, the proper course that the petitioners have to take recourse is to give their objections to the impugned notice and a challenge to the impugned notices at this juncture cannot be maintained. It is no doubt true that adequate opportunity should be granted to the petitioners, because, notice is being issued for the first time and after receiving the petitioners' objections, a spot inspection should be conducted by the third respondent. Wherever, according to the third respondent, there is an encroachment, the same should be delineated and indicated. After



considering the petitioners' objections, appropriate action be taken in accordance with law. The petitioners are directed to submit objections within ten days from the date of receipt of a copy of this order. Thereafter, after conducting inspection, the third respondent shall proceed further in accordance with law, within a period of three months therefrom. Till then, status-quo which is prevailing as on date (20.11.2019) shall be maintained.

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

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

rmk
To

- 1.The District Collector,
Office of the District Collector,
Virudhunagar Dindigul.
- 2.The Tahsildar,
Office of the Taluk Office,
Kariyapatti Taluk,
Virudhunagar District.
- 3.The Revenue Inspector,
Mudukkankulam,
Kariyapatti Taluk,
Virudhunagar District.

+5CC TO MR.G.THALAIMUTHARASU, Advocate Sr. No. 20199
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No.100381

Writ Petition (MD).Nos.24536, 24538,
24540, 24541 and 24542 of 2019
20.11.2019

NS (CO)
TR(28.11.2019) 3P 10C