



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE T.RAVINDRAN

W.P(MD)No.3580 of 2020

and

W.M.P(MD)Nos.3022 & 3023 of 2020

V.Panju

... Petitioner

Vs.

1.The District Collector,
Collectorate Campus,
Madurai District.

2.The President,
Thumbaipatty Panchayat,
Kottampatty Union,
Madurai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned order of eviction made by the second respondent in his proceedings No. nil dated 10.02.2020 and quash the same.

For Petitioner : Mr.A.Nawaz Khan

For R - 1 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

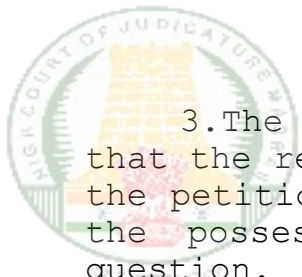
For R - 2 : Mr.N.Shanmuga Selvam

ORDER

(Order of the Court was made by **M.DURAI SWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorari, to call for the records relating to the impugned order passed by the second respondent dated 10.02.2020 and to quash the same.

2.By the impugned order dated 10.02.2020, the second respondent had informed the petitioner that a notice was sent to him on 28.01.2020 and inspite of the same, the petitioner has not removed the encroachment and therefore, the encroachment would be removed on 18.02.2020.



3.The learned counsel appearing for the petitioner submitted that the respondents are taking steps to remove the encroachment and the petitioner may be granted a week's time to vacate and hand over the possession to the respondents in respect of the land in question.

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4.Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader takes notice for the first respondent and Mr.N.Shanmuga Selvam, learned counsel takes notice for the second respondent.

5.On a perusal of the impugned order dated 10.02.2020 it is clear that the second respondent had already issued a notice to the petitioner dated 28.01.2020 calling upon him to vacate and hand over the possession of the encroached land and inspite of the same, the petitioner has not vacated the land in question. Therefore, it is clear that the respondents have followed the procedures before taking possession of the property.

6.In these circumstances, we do not find any reason to interfere with the order passed by the second respondent. Accordingly, the Writ Petition is dismissed. However, we grant time till 03.03.2020 to the petitioner to vacate and hand over the vacant possession to the second respondent without driving them to initiate any action. In the event of the petitioner not vacating the land in question on or before 03.03.2020, it is open to the respondents to take possession of the encroached land from the petitioner. No costs. consequently, connected Miscellaneous Petitions are closed.

Sd/

Assistant Registrar(Crl Side)

/True copy/

/ /2020

Sub Assistant Registrar

ps

To

1.The District Collector,
Collectorate Campus,
Madurai District.

2.The President,
Thumbaipatty Panchayat,
Kottampatty Union,
Madurai District.

+1 CC to M/s.A.NAWAZ KHAN, Advocate (SR-7841[F] dated 24/02/2020)

W.P(MD)No.3580 of 2020

24.02.2020

KK/SAR/24.02.2020/2P-4C

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