



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.09.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) .No.13017 of 2020

and

W.M.P (MD)No.10963 of 2020

T.Parvathi

... Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Tahsildhar,
Viralimalai Taluk,
Viralimalai,
Pudukottai District.

3.The Commissioner / Block Development Officer,
Viralimalai Panchayat Union,
Viralimalai,
Pudukottai District.

... Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the impugned order passed by the third respondent in proceedings No.Nil dated 07.08.2020 and quash the same as illegal and direct the respondents to issue regular patta to the petitioner in Survey No.40 of Kasavanur Village Group, Kodumpalur Chattiram, Viralimalai Taluk, Pudukottai District after conducting proper enquiry and inspection in consonance with the revenue standing orders and other Government orders.

For Petitioner

: Mr.Raja Karthikeyan

For Respondents

: Mr.R.Murugan,

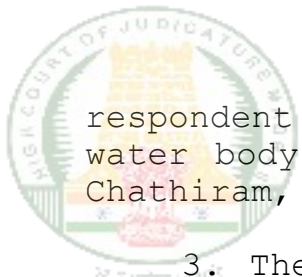
Additional Government Pleader

O R D E R

(Order of the Court was made by **M. SATHYANARAYANAN, J.**

The petitioner claims to be one of the residents of Survey No.40, Kodumpalur Chathiram, Kodumpalur, Viralimalai Taluk, Pudukottai District.

2. According to the learned counsel appearing for the petitioner without advertting to the material fact of long possession and enjoyment of the ancestors of the petitioner and continuous possession of the petitioner in respect of the land in question, the impugned notice dated 07.08.2020, came to be issued by the third



respondent alleging that she caused encroachment on a part of a water body namely 'Chathiram Oorani' in Survey No.40 of Kodumpalur Chathiram, Viralimalai Taluk, Pudukottai District.

3. The learned counsel appearing for the petitioner has drawn the attention of this Court to the common order dated 03.09.2020 passed in W.P(MD)Nos.9303 of 2020 etc., batch and would submit that this Court by taking into consideration the similar facts and circumstances, has granted liberty to the third respondent to proceed under Section 131(2) of the Tamil Nadu Panchayat Act, 1994 and granted outer time limit of six weeks and till such time, protected the interest of the petitioners therein.

4. It is the further submission of the learned counsel appearing for the petitioner that in the light of some errors crept during 'Updating Registry Scheme' (UDR Scheme), an appeal has also been preferred before the competent authority and it also came to be dismissed by means of a cryptic order and therefore, prays for appropriate orders as to the protection of the petitioner's possession.

5. Per contra, Mr.R.Murugan, learned Additional Government Pleader, who accepts notice on behalf of the respondents, on instructions would submit that the petitioner is also one of the encroachers and after following due process of law, eviction proceedings would take place and has also drawn the attention of this Court to the communication of the second respondent dated 28.09.2020 in Na.Ka.(A1)5100/2017, addressed to the office of the learned Additional Government Pleader with annexures and would submit that in the light of the above cited common orders passed in W.P(MD)No.9303 of 2020 etc., batch, a thorough enquiry was caused and six persons were found to be eligible for allotment of free house site patta and final notice has been issued calling upon them to vacate the premises on or before 05.10.2020, failing which, appropriate proceedings would be initiated for removal of encroachment.

6. In the light of the stand taken by the second respondent, this Writ Petition is disposed of with a direction, directing the respondents 2 and 3, to follow the due process of law and also by adhering to the principles of natural justice and carry out the lawful exercise as to the removal of encroachment / eviction of encroachers, as expeditiously as possible. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



pm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The Tahsildhar,
Viralimalai Taluk,
Viralimalai,
Pudukottai District.
- 3.The Commissioner / Block Development Officer,
Viralimalai Panchayat Union,
Viralimalai,
Pudukottai District.

+1 CC to SPL GP (SR-18705,18694[F] dated 01/10/2020)

Order in
W.P(MD)No.13017 of 2020
29.09.2020

VB (13.10.2020) 3P 5C