



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.09.2020

CORAM

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

**W.P. (MD)No.10765 of 2020
and
W.M.P. (MD) .No.9479 of 2020**

M.Thangaraj

... Petitioner

Vs.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Palani,
Dindigul District.

3. The Tahsildar,
Kujiliyamparai Taluk,
Kujiliyamparai,
Dindigul District.

4. The Revenue Inspector,
Kotta Natham,
Kujiliyamparai Taluk,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice issued by the 4th respondent herein dated 19.08.2020 and quash the same and consequently direct the 1 to 3 respondents herein to issue the house site patta to the petitioner with regard to house in Door No.6/50 situated R.Vellodu Village, S.No.424, Gujiliyamparai Taluk, Dindigul District.

For Petitioner : Mr. G.Gomathi Sankar

For Respondents : Mr. M.Muthugeethaiyan,
Special Government Pleader



O R D E R

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

The writ petitioner is employed as a Sweeper in the services of R.Vellodu Panchayat and even as per the averment made in the affidavit filed in support of this Writ petition, he is in occupation of a small piece of land to an extent of 0.00.35 sq.mt in S.No.424 of the said village, wherein, he put up a asbestos house and residing with his family for more than 35 years and it has also been assigned with the Door No.6/50 and it is also subject to statutory levies.

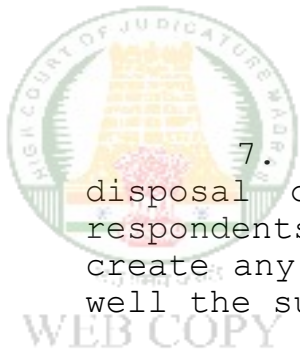
2. The learned Counsel appearing for the Writ petitioner would submit that alleging encroachment on his part, the fourth respondent has issued the impugned notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, dated 19.08.2020.

3 The primordial submission made by the learned Counsel appearing for the Writ petitioner is that, if an opportunity, in the form of written response is provided, he would be able to convince the fourth respondent as to his tenable defense, but, however, due to imminent threat of dispossession, he is constrained to approach this Court by way of filing this Writ petition.

4. It is brought to the knowledge of this Court by the learned Counsel appearing for the Writ petitioner that, in the similar facts and circumstances, this Court had entertained the Writ petition, granted opportunity to the persons similarly placed in the form of representations with the further direction to dispose of the said representation and till such time, deferred the further proceedings.

5. This Court has considered the rival submissions and also perused the materials placed on record.

6. This Court taking into consideration the above facts and circumstances and without going into the merits of the case projected by the Writ petitioner, permits the Writ petitioner to submit his written response in the form of representation by enclosing relevant and authenticated documents to the respondents 3 and 4, within a period of three weeks from the date of receipt of a copy of this order and upon receipt of the same, either of the respondents shall consider the said representation on merits and in accordance with law and give a disposal within a further period of four weeks thereafter, and inform the decision taken to the Writ petitioner and till such time, shall defer the further proceedings in terms of the impugned notice dated 19.08.2020.



7. It is also made clear that the Writ petitioner till the disposal of the representation to be submitted by him by the respondents 3 and 4, either of the respondents 3 and 4, shall not create any third party rights in respect of the land in question as well the super structure.

8. This **Writ petition stands disposed of** accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn

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,
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Dindigul.
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+1 CC to M/s.G. GOMATHI SANKAR, Advocate (SR-15861[F] dated 03/09/2020)

+1 CC to M/s.GP (SR-16116[F] dated 07/09/2020)

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NR (16.09.2020) 4P 7C