



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P(MD)No. 10731 of 2020

and

W.M.P. (MD) .No.9455 of 2020

P.Balaguru

... 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 respondents 1 to 3 herein to issue the house site patta to the petitioner with regard to house in door No.6/49 situated in R.Vellode Village, S.No.424, Gujiliyamparai Taluk, Dindigul District.

For Petitioner : Mr.G.Gomathi Sankar

For Respondents : Mr.B.Bagavathi
Govt. Advocate



ORDER

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

Heard the submissions of the learned counsel appearing for the petitioner.

2. A perusal of the materials, *prima facie* discloses that the petitioner is an encroacher in respect of a small portion of land admeasuring to an extent of 0.00.90 sq.ms out of 0.44.50 sq.ms, classified as 'cart track poromboke' in Sy.No.424 of R.Vellode Village, Kujiliamparai, Dindigul District.

3. The learned counsel appearing for the petitioner would submit that the petitioner is hailing from a poor economic background and with his meagre income, he has put up a small house in the above stated survey number and he is in possession and enjoyment of the same, subject to all statutory levies. But, all of a sudden, he is issued with a notice by the Revenue Inspector under Section 7 of the Tamil Nadu Land Encroachment Act and if any reasonable opportunity would be given, he would be in a position to explain his stand. He would further submit that the said land has been classified as 'cart track' and the alleged obstruction/encroachment did not cause any inconvenience to any body and hence, prays for appropriate orders.

4. Mr.B.Bagavathi, learned Government Advocate, appearing for the respondents would submit that in pursuant to the earlier order of this Court dated **20.07.2020**, passed in **W.P.(MD).No.7702 of 2020 (M.Parthiban Vs District Collector, Dindigul District and others)**, action has been taken in compliance of the said order. He would also add that due process of law would be followed in evicting the petitioner and as such, the petitioner cannot make any grievance in this regard.

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

6. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, without going into the merits of the case, permits the petitioner to respond the impugned order dated 19.08.2020, sent by the fourth respondent, in the form of written representation, by enclosing all relevant and authenticated documents, within a period of 12 weeks from the date of receipt of a copy of this order and upon receipt of the same, the third respondent or fourth respondent is directed to consider the said representation on merits and in accordance with law and pass appropriate orders, within a further period of two weeks thereafter and till such time, the fourth respondent shall defer final proceedings, in terms of the above said impugned proceedings. The



petitioner till the disposal of the representation, to be submitted to the fourth respondent, shall not create any third party right in respect of the land and superstructure.

7. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

VS

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,
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.

+1 CC to M/s.G. GOMATHI SANKAR, Advocate (SR-15859[F] dated 03/09/2020)

+1 CC to M/s.GP (SR-15810[F] dated 03/09/2020)

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02.09.2020

scr(CO)

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