



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.10.2020

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**THE HON'BLE Mr. JUSTICE N.KIRUBAKARAN
AND
THE HON'BLE Mr. JUSTICE B.PUGALENDHI**

W.P. (MD)No.14124 of 2020
and
W.M.P. (MD)No.11774 of 2020

Kumarasamy, S/o.Chellapillai

.. Petitioner

Vs.

1.The District Collector,
Madurai District.
Madurai.

2.The Tahsildar,
Taluk Office,
Melur Taluk,
Madurai District.

3.The Block Development Officer,
Kottampatti Panchayat Union,
Kottampatti,
Madurai District.

4.The Executive Officer / Panchayat President,
Karungalakudi Panchayat,
Kottampatti Union, Melur Taluk, Madurai District.

5.Beer Mohammed,
Panchayat President,
Karungalakudi Panchayat,
Kottampatti Union,
Melur Taluk,
Madurai District.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the entire records pertaining to the impugned Demolition Notice dated nil, issued by the fourth respondent and quash the same as illegal.



For Petitioner : Mr.B.S.Meltiue
For R1 to R3 : Mr.R.Murugan
Additional Government Pleader

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ORDER

(Order of the Court was made by N.KIRUBAKARAN, J.)

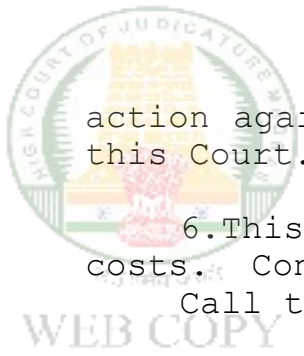
The petitioner has approached this Court challenging the notice issued by the fourth respondent terming the petitioner as Encroacher of Odai Poramboke in S.No.598/1, situated at Karungalakudi Village, Melur Taluk, Madurai District.

2.Heard the learned counsel appearing for the parties and perused the materials available on record.

3.A perusal of the impugned notice issued by the fourth respondent shows that the said notice has been issued without any material particulars, namely, to what extent the petitioner has encroached upon the Odai Poramboke in S.No.598/1, situated at Karungalakudi Village, Melur Taluk, Madurai District. Therefore, the impugned notice is liable to be quashed. However, it is open to the respondents 1 to 3 to measure the property and find out the extent of encroachment and thereafter, issue notice to all necessary parties along with all the particulars and take action in accordance with law.

4.It is brought to the notice of this Court by the learned counsel appearing for the petitioner that the impugned notice has been issued only when the villagers and the petitioner questioned about the encroachment made by the fifth respondent in S.No.551, which is an Oorani, situated in the same Village. Therefore, the allegation with regard to the construction of a house by the fifth respondent in Oorani, situated at S.No.551, Karungalakudi Village, Melur Taluk, Madurai District, is also required to be gone into by the respondents 1 to 3.

5.In view of the above, the respondents 1 to 3 are directed to survey the property situated in S.No.551 and find out whether the fifth respondent has encroached upon the Oorani and constructed a house or not? If it is so, the respondents 1 to 3 are directed to issue notice to the fifth respondent and after hearing him, take appropriate action to remove the encroachment made by him. Both the directions shall be complied with, within a period of six weeks from the date of receipt of a copy of this order. It is made clear that wherever encroachment is made in the Oorani or water body, the respondents 1 to 3 are directed to measure the property and if any encroachment is made, issue notice to the encroachers and take



action against them in accordance with law and file a report before this Court.

6.This Writ Petition is allowed with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Call the matter on **10.11.2020, for reporting compliance.**

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Madurai District.
Madurai.

2.The Tahsildar,
Taluk Office,
Melur Taluk,
Madurai District.

3.The Block Development Officer,
Kottampatti Panchayat Union,
Kottampatti,
Madurai District.

4.The Executive Officer / Panchayat President,
Karungalakudi Panchayat,
Kottampatti Union, Melur Taluk, Madurai District.

+1 CC to M/s.B.S. MELTIEU, Advocate (SR-19850[F] dated 13/10/2020)
W.P. (MD)No.14124 of 2020
12.10.2020

PM(CO)

NR (22/10/2020) 3P : 6C

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