



WEB COPY

W.P(MD)No.14639 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.14639 of 2020

and

W.M.P(MD)No.12289 of 2020

M.Moorthy

... Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

4.The Zonal Deputy Tahsildar,
Sakkottai,
Sivagangai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records of the impugned proceedings of the third respondent dated 29.09.2020 and quash the same.

For Petitioner
For Respondents

: Mr.V.Perumal
: Mr.R.Murugan,
Additional Government Pleader

ORDER

[Order of the Court was made by **N.KIRUBAKARAN, J.**]

The petitioner has approached this Court seeking a Writ of Certiorari to quash the impugned proceedings of the 3rd respondent dated 29.09.2020, wherein, notice has been issued under Section 7 of the Land Encroachment Act, 1905, to the petitioner, on the ground that the petitioner has constructed compound wall and washing stone

<https://hservices.courts.gov.in/hservices/>



2. The main contention of the petitioner is that the he has already given his reply to the impugned notice and a Surveyor has also inspected his property in S.No.239/30 situtated at V.Soorakottai Village, Karaikudi Taluk, Sivagangai District and found that there is no encroachment by the petitioner. But, subsequently, the Firka Surveyor and Village Administrative Officer concerned, without issuing any notice to him, visited the property in question, measured the same and found that the compound wall and the washing stone are constructed by way of an encroachment.

3.When the matter has been taken up for hearing today, the learned Counsel for the petitioner submitted that the petitioner would confine his prayer that the measurement of the property in dispute be done in his presence, after issuing him notice and further submitted that a direction to the above extent be issued to authorities by this Court.

4.Mr.R.Murugan, learned Additional Government Pleader appearing for the respondents has no objection to the submission made by the petitioner.

5.Heard Mr.V.Perumal, learned Counsel appearing for the petitioner and Mr.R.Murugan, learned Additional Government Pleader appearing for the respondents.

6.Under such circumstances, this Court without expressing anything on the merits of this case, directs that the property in question shall be measured by the authorities concerned in the presence of the petitioner, after putting him on notice, after collecting necessary fee for such a measurement and take further course of action. Such an exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

7.The writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

dsk



To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

4.The Zonal Deputy Tahsildar,
Sakkottai,
Sivagangai District.

+1 CC to M/s.GP (SR-20721[F] dated 29/10/2020)

+1 CC to M/s.V.PERUMAL, Advocate (SR-20677[F] dated 29/10/2020)

W.P (MD) No.14639 of 2020

28.10.2020

MR (CO)

AP (26/11/2020) 3P 7C