



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2020

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.17188 of 2020

and

W.M.P(MD)Nos.14377 and 14378 of 2020

K.Parthiban

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Kariyappattai Taluk,
Kariyappatti, Virudhunagar District.

3.The Block Development Officer,
Kariyappatti Panchayat Union,
Kariyappatti, Virudhunagar District.

4.The President,
Aviyur Village Panchayat,
Kariyappatti, Virudhunagar District.

5.Raja

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, to call for the records of the 2nd respondent's order in Moo.Mu.A4/4739/2019, dated 01.10.2019 and the 3rd respondent's consequential notice in Na.Ka.Pi.1/30/2020, dated 16.11.2020 and quash the same.

For Petitioner : Mr.K.Elanchezian

For Respondent : Mr.M.Muthugeethaiyan,
No.3 Special Government Pleader

For Respondents : Mrs.J.Padmavathi Devi,
Nos.1 to 2 Special Government Pleader



ORDER

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

WEB COPY

This writ petition has been filed seeking a writ of certiorari to call for the records of the 2nd respondent's order in Moo.Mu.A4/4739/2019, dated 01.10.2019 and the 3rd respondent's consequential notice in Na.Ka.Pil/30/2020, dated 16.11.2020 and quash the same.

2.Heard Mr.Elanchezhiyan, learned Counsel appearing for the petitioner and Mr.M.Muthugeethaiyan, learned Special Government Pleader, who takes notice for respondent No.3 and Mrs.J.Padmavathi Devi, learned Special Government Pleader, who takes notice for respondent Nos.1 and 2.

3.The writ petitioner has come before this Court contending that the petitioner has been in possession of the properties in S.No.240/13 and 240/15, Aviyur Village, Kariyappatti Taluk, Virudhunagar District. However, the respondents are trying to evict him from the said properties.

4.Under such circumstances, the respondent Nos.2 and 3 are directed to survey the property in question and remove the encroachments, if any, made by the petitioner, after issuing notice to the petitioner. Till such survey is conducted, the petitioner's possession shall not be disturbed. Further, it is made clear that if the petitioner produces any document to show that he is the owner of the property in question, he shall not be evicted.

5.This writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (RTI)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Dsk

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Tahsildar,
Kariyappattai Taluk,
Kariyappatti,
Virudhunagar District.

3.The Block Development Officer,
Kariyappatti Panchayat Union,
Kariyappatti,
Virudhunagar District.
Virudhunagar District.

+1 CC to SGP (SR-23538[F] dated 01/12/2020)

W.P (MD) No.17188 of 2020

27.11.2020

KMV(CO)
NR (08/12/2020) 3P : 5C