

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.04.2021

CORAM

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

W.P. No. 20964 of 2018
&
W.M.P. No. 24613 of 2018

Mrs. Sirajunisa @ Siraj ..Petitioner

Vs.

State rep. by its

1. The District Collector,
Thiruvarur District.
2. The Revenue Divisional Officer,
Mannarkudi, Thiruvarur District.
3. The Tahsildar,
Thiruthuraipoondi,
Thiruvarur District.
4. The Executive Officer,
Special Grade Panchayat,
Muthupettai,
Thiruvarur District.Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order of the 4th respondent dated 24.07.2018 Na.Ka.No. 991/2018/A1 and quash the same and further direct the respondents forbearing or evicting or dispossessing from petitioner's dwelling house comprised in Old S.No. 242/4B - New S.No. 242/4B2, Old S.No. 242/3B - New S.No. 242/15 & 243/0 situated at Thuraikkadu Village, Arasakulakarai, Muthupettai, Thiruvarur District.

For Petitioner :: Mr.G. Mohammed Aseef
For Respondents:: Mr.S.Kamalesh Kannan,
Govt. Advocate

O R D E R
(Order of the Court was made by N. KIRUBAKARAN,J.)

The petitioner, by virtue of sale deed dated 12.02.1996 purchased a property comprised in Survey No. 242/4B measuring to an extent of 6 cents, a punja housing land, in Sembadavankadu Village, Thuraikadu Block, Thiruthuraipoondi Taluk and thereafter, she had also purchased the adjacent property bearing S.No. 242/3A to an extent of 0.03 1/3 cents by virtue of sale deed dated 16.02.1999 and put up a superstructure in the said property. According to the petitioner, she has been in possession and enjoyment of the property from the time of purchase and the property is also being assessed by the revenue. While so, the 4th respondent has issued the impugned notice calling upon the petitioner to remove the encroachment and superstructure built thereon stating that the petitioner has encroached upon the water body comprised in Survey No. 243/0. The said order is being challenged before this Court.

2. Heard Mr.G. Mohammed Aseef, learned counsel for the petitioner and Mr. S.Kamalesh Kannan, learned Government Advocate for the respondents.

3. It is evident from the records that the petitioner purchased the property by virtue of sale deeds dated 12.02.1996 & 16.02.1999. The impugned order does not state whether the petitioner has encroached upon the water body and if so, the extent of encroachment. No details are available in regard thereto.

4. Hence, the impugned order is quashed and the 4th respondent along with the 3rd respondent is directed to inspect the property after giving notice to the petitioner and measure the property and find out as to whether the superstructure has been raised within the property purchased by her or on the pond and if there is encroachment, giving the details, shall issue fresh show cause notice and thereafter proceed in accordance with law.

5. The writ petition is disposed of with the above directions. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

nv

To

1. The District Collector,
Thiruvarur District.

2. The Revenue Divisional Officer,
Mannarkudi, Thiruvarur District.

3. The Tahsildar,
Thiruthuraipoondi,
Thiruvarur District.

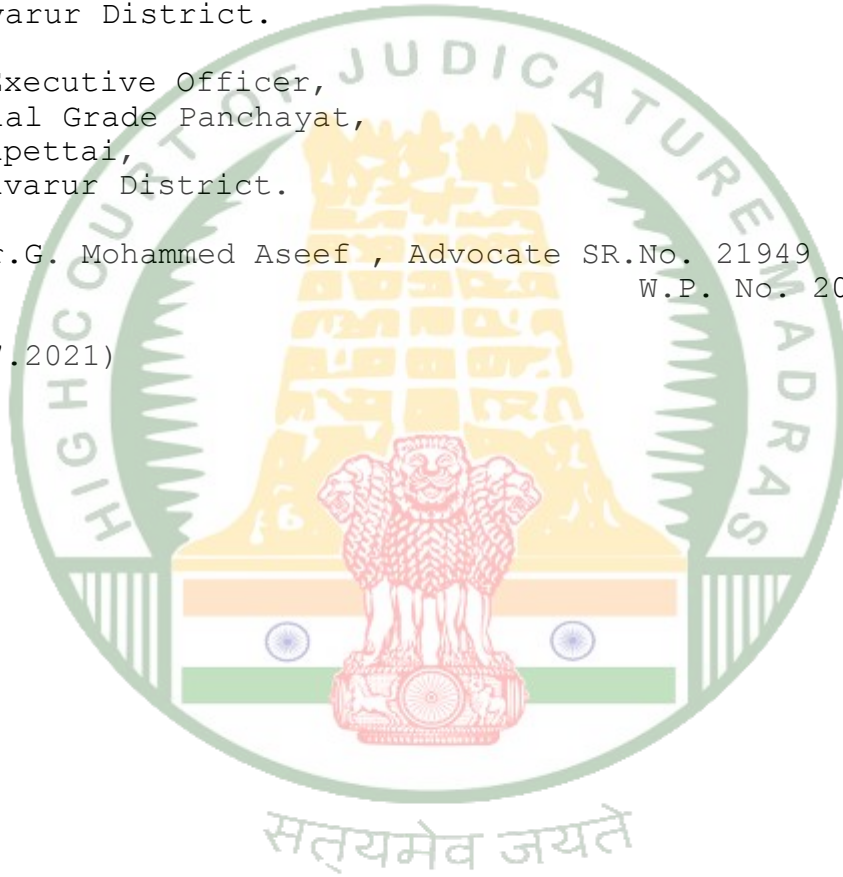
4. The Executive Officer,
Special Grade Panchayat,
Muthupettai,
Thiruvarur District.

+1cc to Mr.G. Mohammed Aseef , Advocate SR.No. 21949

W.P. No. 20964 of 2018

UM (CO)

A.SK(06.07.2021)



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