

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.P.No.13548 of 2021

and

W.M.P.Nos.14413, 14416 & 14417 of 2021

Mrs.Lissy Sebastian Petitioner

Vs

1.The District Collector,
Nilgiris District.

2.The Tahsildar,
Taluk Office,
Pandalur.

3.The Village Administrative Officer,
Nelliyalam I Village,
Pandalur Taluk,
Nilgiris District.

.... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records relating to the proceedings bearing Na.Ka.No.A2/1180/2020 dated 25.05.2021 and the consequential proceedings bearing Na.Ka.No.A2/1180/2021 dated 03.06.2021 on the file of the 2nd Respondent and quash the same.

For Petitioner : Mrs.Rita Chandrasekaran
for M/s.Aiyar and Dolia.

For Respondents : Mrs.R.Anitha, State Government
Counsel.

O R D E R

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

The matter was heard through "Video Conference".

2.The Petitioner is the owner of the property bearing Door

No.12/120, Pandalur Nellipalayam Village, comprised in S.No.2242/1 (now resurveyed as S.Nos.2242/12 and 2242/13) measuring to an extent of 8.25 cents. The Petitioner has been in possession of the property right from 2009 onwards by putting up construction. The Petitioner has also been issued Patta viz., Patta Nos.630 and 631 in respect of the above properties.

3.When things stand so, the Second Respondent issued notice to the Petitioner on 01.06.2021 terming him as encroacher and asked the Petitioner to vacate the premises within fifteen days. The said notice was replied by the Petitioner on 03.06.2021. However, since the Respondents have proceeded against the Petitioner, the Petitioner has come before this Court.

4.Heard Mrs.Rita Chandrasekaran, Learned Counsel for the Petitioner and Mrs.R.Anitha, Learned State Government Counsel for the Respondents.

5.A perusal of the records, prima facie, would denote that the Petitioner is in possession of the property. Though the Petitioner terms the property as Nattham Poromboke, the same has to be decided only in the enquiry to be conducted by the Second Respondent. The Petitioner has been given notice on 01.06.2021 for which he gave a reply on 03.06.2021.

6.Therefore, the Second Respondent is directed to give an opportunity to the Petitioner by way of personal hearing within a period of four weeks from the date of receipt of a copy of this Order and after hearing the Petitioner, the Second Respondent is directed to pass orders within a period of eight weeks thereon. Till the enquiry is conducted and the order is passed and served upon the Petitioner, no coercive steps shall be taken against the Petitioner.

7.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

8.Post the matter after twelve weeks for reporting compliance.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ay

To

1.The District Collector,
Niligiris District.

2.The Tahsildar,
Taluk Office,
Pandalur.

3.The Village Administrative Officer,
Nelliyalam I Village,
Pandalur Taluk,
Nilgiris District.

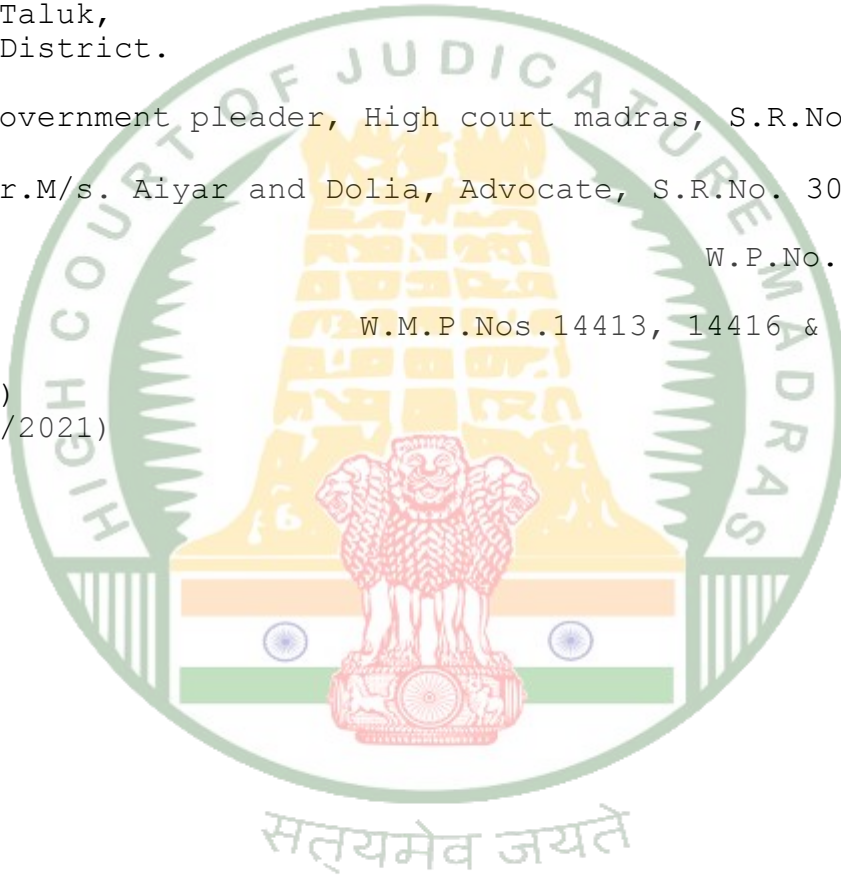
+1cc to Government pleader, High court madras, S.R.No.30806

+1cc to Mr.M/s. Aiyar and Dolia, Advocate, S.R.No. 30475

W.P.No.13548 of 2021
and

W.M.P.Nos.14413, 14416 & 14417 of 2021

AK II (CO)
PAN(12/07/2021)



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Dated:01.07.2021



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