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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.20801 of 2021
and
W.M.P.No.22071 of 2021

M.Veluchamy

...Petitioner

Vs.

- 1.The District Collector,
Erode District,
Erode.
- 2.The Revenue Divisional Officer,
Sathyamangalam Taluk,
Gobichettipalayam,
Erode District.
- 3.The Tashildar,
Sathyamangalam Taluk,
Sathyamangalam,
Erode District.
- 4.The Commissioner,
Punjai Puliampatti Municipality,
Punjai Puliampatti,
Sathyamangalam Taluk,
Erode District - 638 459.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records of order in Na.Ka.No.3555/2016/A3 dated 31.08.2021 on the file of the 3rd



respondent herein and quash the same and consequently, forbearing the respondents from evicting the petitioner from his land in S.F.No.104/107 in Senkunthapuram of Punjai Puliyampatti Village of Sathyamangalam Taluk in Erode District till the disposal of the petitioner's appeal dated 09.03.2021 pending on the file of the 2nd respondent.

For petitioner : Mr.A.Sundara vadhanan for
Mr.N.Ponraj

For respondents : Mrs.Akila Rajendran
Govt. Counsel (for R1 to R3)
Mr.B.Anand
Standing Counsel (for R4)

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

Mrs.Akila Rajendran, learned Government Counsel takes notice for the respondents 1 to 3 and Mr.B.Anand, learned Standing Counsel takes notice for the fourth respondent. By consent, this writ petition is taken up for final disposal.

2.This writ petition has been filed challenging the order of the third respondent dated 31.08.2021 passed in Na.Ka.No.3555/2016/A3 and consequently, forbearing the respondents from evicting the petitioner from his land in S.F.No.104/107 in Senkunthapuram of Punjai Puliyampatti Village of Sathyamangalam Taluk in Erode District till the disposal of the petitioner's appeal dated 09.03.2021 pending on the file of the 2nd respondent.

3.The petitioner would state that his father, by name, Muthu purchased the property measuring to an extent of 0.14.5 Hectare in S.F.No.104/109 in a Court Auction Sale in O.S.No.1819 of 1974. Subsequently, the petitioner is in possession of 0.02 Hec in S.F.No.104/17, 0.07 Hec, in S.F.No.104/105, 0.00.5 hec in S.F.No.104/106, 0.03 Hec, in S.F.No.104/107 and 0.02 Hec, in S.F.No.104/108. After the properties settled in his favour, he demolished the old building and put up a new building with a



planning permission issued by the fourth respondent. It is further stated that in S.F.No.104/107, there is a pathway for the petitioner to reach his property.

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4.It appears that in respect of the said property, a civil suit is pending in O.S.No.21 of 2017 before the District Munsif Court, Sathyamangalam. The grievance of the petitioner is that the property has been wrongly classified as 'Natham Pathai' in the resurvey proceedings held in the year 1991.

5.The learned counsel for the petitioner would state that before altering the revenue records, the petitioner was not put on notice and after he became aware of the said fact, he filed an application before the third respondent for reclassification of the land, however, the said application was rejected. Hence, he preferred an appeal before the second respondent, however, pending appeal, the third respondent issued notice directing the fourth respondent to remove the encroachment.

6.The learned counsel for the petitioner would further submit that it would suffice, if a suitable direction is issued to the third respondent to dispose of the appeal within a time frame. Till then, the respondents can be restrained from taking further proceedings.

7.The learned Government Counsel appearing for the respondents 1 to 3 and the learned Standing Counsel appearing for the fourth respondent would state that the second respondent is ready to pass orders on the appeal of the petitioner in accordance with law.

8.Though the petitioner has sought for a larger relief, however, considering the submissions made by the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the second respondent to pass orders on the appeal of the petitioner dated 09.03.2021 purely on merits and in accordance with law, after affording opportunity of personal hearing to all the necessary parties, within a period of three months from the date of receipt of a copy of this order. Till then the respondents shall not take any coercive action.



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9. With the above direction, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

skn

To

1. The District Collector,
Erode District,
Erode.
2. The Revenue Divisional Officer,
Sathyamangalam Taluk,
Gobichettipalayam,
Erode District.
3. The Tashildar,
Sathyamangalam Taluk,
Sathyamangalam,
Erode District.
4. The Commissioner,
Punjai Puliampatti Municipality,
Punjai Puliampatti,
Sathyamangalam Taluk,
Erode District - 638 459.

+1CC to The Government Pleader, SR.No. 51257

W.P.No.20801 of 2021
and
W.M.P.No.22071 of 2021

RK(CO)
B.VC (22/10/2021)