



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 19.11.2021

CORAM:

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

W.P. NO.24774 OF 2021

C.Easwaramoorthy

.. Petitioner

Versus

1. The District Collector,
Coimbatore District.
2. The Thasildar,
Sulur,
Coimbatore District.
3. The Revenue Inspector,
Karumathampatti,
Coimbatore District.
4. The District Land Survey Officer,
Coimbatore District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorari, calling for the entire records in impugned order dated 28.09.2021 on the file of the 2nd respondent and quash the same.

For petitioner : Mr.K.Sudhakar

For respondents : Mr.L.S.M.Hasan Fizal, AGP

ORDER

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

The Writ Petition is heard through video conferencing.

2. The petitioner has filed this Writ Petition to quash the



order of the second respondent dated 28.09.2021 issued under Section 6 of the Tamil Nadu Land Encroachment Act.

3. The case of the petitioner is that he is having a property in Survey Nos.59, 59/1A, 59/1B, 59/1D situated at Kaniyur Village, Sulur Taluk, Coimbatore District. He has been in possession and enjoyment of the property for about 30 years. While so, the respondent issued the impugned notice.

4. The learned counsel appearing for the petitioner Mr.K.Sudhakar would state that though the petitioner had produced the documents to show that there was no encroachment, the second respondent without considering the same and also not conducting proper survey has issued the impugned order.

5. The learned Additional Government Pleader appearing for the respondents Mr.L.S.M.Hasan Fizal, would state that the second respondent had conducted proper survey and if the petitioner is having any grievance, he is ready to take fresh survey and take action in accordance with law.

6. Considering the grievance expressed by the petitioner that the second respondent has not conducted proper survey and the documents produced by him was also not properly appreciated by the second respondent, we hereby set aside the order impugned in this Writ Petition and remand the matter back to the second respondent. The second respondent shall effect notice to the petitioner as well as to the other necessary parties and conduct fresh survey in Survey Nos.58, 59, 59/1A, 59/1B, 59/1C, 59/1D and 60, in the presence of the petitioner as well as his neighbors and thereafter, based on the report, he shall take further action in accordance with law.

7. With the above observation and directions, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

pvs

To

1. The District Collector,
Coimbatore District.



2. The Thasildar,
Sulur,
Coimbatore District.

3. The Revenue Inspector,
Karumathampatti,
Coimbatore District.

4. The District Land Survey Officer,
Coimbatore District.

+1cc to Mr.K.Sudhakar, Advocate, S.R.No.59599

+1cc to the Government Pleader, S.R.No.60635

W.P. No.24774 of 2021

VG-II (CO)
RLP (03/12/2021)