



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. [MD]No.6512 of 2021

S.Alagarsamy

: Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Revenue Divisional Officer,
Madurai District,
Madurai.

3.The Tahsildar,
Madurai North Taluk,
Madurai.

4.Revenue Inspector,
Samayanallur Firka,
Samayanallur,
Madurai.

5.M.Malaichamy

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first and second and third respondents to evict the encroachment caused by the fifth respondent to the extent of 3.5 cents in old survey No.179/1, New Survey No.258/28 Thenur II bit village, within Samayanallur firka of Madurai North Taluk, Madurai District within the period that may be stipulated by this Court.

For Petitioner

: Mr.A.John Vincent

For R-1 to R-4

: Mr.A.K.Manickam
Standing Counsel for Government

For R-5

: Mr.Vinothkumar



O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

The petitioner seeks for a direction upon respondents 1 to 3 to evict the encroachment caused by the fifth respondent to an extent of 3.5 cents in old survey No.179/1, New Survey No.258/28 Thenur II bit Village, within Samayanallur firka of Madurai North Taluk, Madurai District.

2.Though the official respondents have not filed a counter affidavit, the fifth respondent has filed a counter affidavit and he has also filed a typed set of papers enclosing a copy of the sale deed, dated 20.09.2002, registered as Document No.1660 of 2002, on the file of the Sub-Registrar, Sholavandan.

3. On a perusal of the recital in the sale deed, we find that the fifth respondent has purchased the property from M.Subramani, S/o.Murugandi and three others. Further, on reading the recital, there is no narration about how M.Subramani and others have got title to the property.

4.Therefore, in our considered view, the sale deed, dated 20.09.2002, cannot confer any absolute right on the fifth respondent. However, before taking action one more opportunity is to be given to the fifth respondent.

5. The third respondent, Tahsildar, Madurai North Taluk, is directed to issue a notice to the fifth respondent, to appear in person and produce the documents of title of M.Subramani and others, his vendors and also any patta issued in their favour. If the fifth respondent is able to establish his title through such documents or patta, then appropriate orders shall be passed by the third respondent or else the third respondent shall take action for eviction within 15 days, thereafter. During such enquiry, the petitioner shall also be heard in the matter by issuing a notice.

6.With the above directions, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The District Collector,
Madurai District,
Madurai.
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Madurai.
- 3.The Tahsildar,
Madurai North Taluk,
Madurai.
- 4.Revenue Inspector,
Samayanallur Firka,
Samayanallur,
Madurai.

+1 CC to M/s.A.JOHNVINCENT, Advocate (SR-19808[F] dated 22/06/2021)

+1 CC to M/s.SPL GP (SR-19929[F] dated 22/06/2021)

ORDER MADE IN
W.P. [MD]No.6512 of 2021
21.06.2021

TP (CO)
TR (07.07.2021) 3P 7C