



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.11663 of 2021

and

W.M.P(MD) No.9179 of 2021

A.Machakaalai

... Petitioner

Vs.

1.The District Collector,
O/o.The District Collector,
Madurai District, Madurai.

2.The Block Development Officer
Melur Union,
Melur,Madurai District.

3.The Tahsildar,
Melur Taluk, Madurai District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents not to initiate eviction process in the residential house in Survey No.366/23 situated at Keezhavalavu Village, Melur Taluk, Madurai District without following the due process of law as contemplated by considering the petitioner's representation, dated 07.07.2021.

For Petitioner : Mr.R.Aravind Raj

For R-1 to R-3 : Mr.A.K.Manickam

Standing counsel for Government

O R D E R

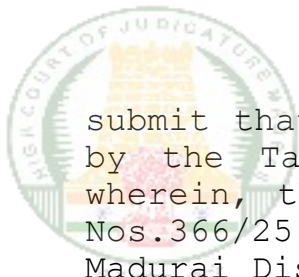
(Order of the Court was made by **T.S.SIVAGNANAM,J.**)

Heard Mr.R.Aravind Raj, learned counsel appearing for the petitioner and Mr.A.K.Manickam, learned Standing counsel appearing for the respondents.

2.The petitioner seeks for a direction upon the respondents not to initiate eviction process in the residential house in Survey No.366/23 situated at Keezhavalavu Village, Melur Taluk, Madurai District without following the due process of law as contemplated by considering his representation, dated 07.07.2021.

3.The learned counsel for the petitioner would submit that the petitioner is not an encroacher, but he is occupying his patta land comprised in Survey No.366/23.

4.The learned counsel for the petitioner would further



submit that the problem arose on account of an inspection conducted by the Tahsildar in W.P.(MD) No.3741 of 2021 dated 04.03.2021, wherein, there was an allegation that the public pathway in Survey Nos.366/25 and 366/33 of Kuzhisevalpatti Village, Melur Taluk, Madurai District, has been encroached.

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5.While conducting an inspection, it appears that the petitioner has been warned that he should remove the encroachment and he is also an encroacher, failing which action will be taken against him.

6.If there is any encroachment made by the petitioner, the proper procedure to be followed by issuing notice to the petitioner, giving them an opportunity to produce the patta and other documents and then take action. Therefore, the respondents are directed not to evict the petitioner without issuing notice to the petitioner.

7.With the above observation, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM

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.

To

- 1.The District Collector,
O/o.The District Collector,
Madurai District, Madurai.
- 2.The Block Development Officer
Melur Union,
Melur, Madurai District.
- 3.The Tahsildar,
Melur Taluk,
Madurai District.

+1 CC to M/s.SPL GP (SR-22681[F] dated 15/07/2021)

W.P.[MD]No.11663 of 2021