



WEB COPY

W.P(MD)No.12725 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P(MD)No.12725 of 2021

S. Umarani

...Petitioner

Vs.

1. The District Collector,
Sivagangai District
Sivagangai.

2. The Divisional Engineer,
(Constructions & Maintenance)
Highways Department
Sivagangai District

3. The Tahsildhar
Sivagangai Taluk
Sivagangai District

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ, order or direction, more particularly in the nature of Writ of Certiorari to call for the records pertaining to the impugned proceedings of the second respondent in Na.Ka.No:607/Ka.Kaa/2021/Encroachment dated 14.07.2021 and quash the same as illegal.

For Petitioner : Mr. Karthik Raja D

For Respondents : A.K. Manikkam

Learned Senior Government
Counsel

For R1 to R3

ORDER

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

Heard Mr. D. Karthik Raja, learned counsel for the petitioner and Mr. A.K. Manikkam, learned Government counsel appearing for the respondents.

2. The petitioner aggrieved by a notice issued by the second respondent, terming the petitioner as an encroacher in respect of a

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



land comprised in Survey No.336, where she has put a house as well as shops with a temporary roofing, has filed the present Writ Petition.

3. The petitioner's case is that her husband filed a Writ Petition in W.P.(MD).No.7197 of 2021 praying for a direction upon the officials to remove the encroachment put up by one P. Mani, who has been impleaded as a fourth respondent in the said Writ Petition. The Writ Petition was disposed of by directing that the representation to be considered and appropriate action be taken to remove the encroachment, after calling for report from the Highways Department. The land which was mentioned in the said Writ Petition was comprised in Survey No.337/2. The impugned notice issued by the second respondent dated 14.07.2021, refers to Survey No.336. Therefore, the learned counsel for the petitioner would contend that sofaras the Survey No.336 is concerned, it may be classified as a road but the concern expressed by her husband in the earlier writ petition pertains to the land in Survey No.337/2, about which there is no whisper in the impugned notice.

4. The learned Government counsel, on instruction from the second respondent would submit that Survey was conducted in which, it came to the light that Survey No.336 has been encroached by the petitioner and two others.

5. However, we find that in the impugned notice, the first document which is referred is the Writ Petition filed by the petitioner's husband, which pertains to another Survey Number namely 337/2. Thus, in order to have a clear picture and to ensure that encroachment if any, is removed, we direct the second respondent in co-ordination with the revenue officials to measure both the properties that is 337/2 and 336 in the presence of the petitioner and two others namely Thiru Bala, son of Perumal, Tmt. Gowri, wife of Mani and after completing measurement in their presence, encroachment if any, may be indicated and if documents are produced by the petitioner, the same should be perused and thereafter the second respondent shall take action in accordance with law. Till then, the status quo which is prevailing as on date (26.07.2021) shall be maintained. The Writ Petition is disposed of. No costs.

Sd/-

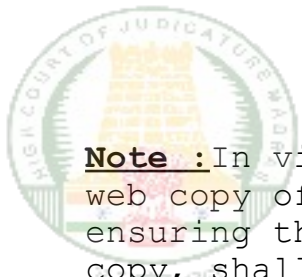
Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mnr



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.

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Sivagangai District

+1 CC to M/s.D.KARTHIKRAJA, Advocate (SR-23908[F] dated 26/07/2021)

+1 CC to M/s.SPL GP (SR-24200[F] dated 28/07/2021)

W.P (MD) No.12725 of 2021
26.07.2021

SAR (CO)

LR (06.08.2021) 3P 6C