



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P(MD)No.13743 of 2021

and

W.M.P(MD)Nos.10676 and 10678 of 2021

K.Chithiraivel

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District, Ramanathapuram.

2.The Revenue Divisional Officer,
O/o.The Revenue Divisional Office,
Paramakudi, Ramanathapuram District.

3.The Thasildar,
O/o.Tahsildhar,
Kadaladi, Ramanathapuram District.

4.The Executive Officer,
Sayalkudi Town Panchayat,
Kadaladi Taluk,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.153/2021 on the file of the fourth respondent dated 12.07.2021 and quash the same as illegal and consequently direct the respondents to provide patta to the petitioner in Survey No.459/1 in an extent of 2 cents or any other alternative place at Anna Nagar, Sayalkudi, Kadaladi Taluk, Ramanathapuram District within the time stipulated by this Court.

For Petitioner	: Mr.T.Thirumurugan
For Respondents	: Mr.B.Saravanan
	Government Advocate

ORDER

(Order of the Court was made by **N.KIRUBAKARAN, J.**)

The petitioner has challenged the order passed by the fourth respondent claiming the petitioner as encroacher at Kulairuppu Kanmoi (Anna Nagar), Sayalkudi, Kadaladi Taluk, Ramanathapuram District, stating that she has encroached upon the water body.



2. Heard Mr.T.Thirumurugan, learned counsel appearing for the petitioner and Mr.B.Saravanan, learned Government Advocate appearing for the respondents 1 to 4.

3. A perusal of the records would show that the impugned order has been passed without giving notice to the petitioner. The impugned order is an order of eviction. The petitioner would contend that he has been residing there in the premises for the past 35 years.

4. In view of the alleged long possession of the property by the petitioner, it is appropriate to direct the petitioner to treat the impugned order, dated 12.07.2021, as a notice and give a reply within a period of four weeks from the receipt of a copy of this order and on such reception of reply from the petitioner, the fourth respondent shall give an opportunity of hearing to the petitioner and pass appropriate orders within a period of eight weeks thereof. Till such time, the petitioner's possession shall not be disturbed.

5. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

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,
Ramanathapuram District,
Ramanathapuram.

2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.



3.The Thasildar,
O/o.Tahsildhar,
Kadaladi,
Ramanathapuram District.

4.The Executive Officer,
Sayalkudi Town Panchayat,
Kadaladi Taluk,
Ramanathapuram District.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-25702[F] dated 09/08/2021)

+1 CC to M/s.GP (SR-25769[F] dated 10/08/2021)

W.P (MD) No.13743 of 2021
09.08.2021

RD(16.08.2021) 3P 7C