



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14618 of 2021

and

W.M.P(MD)Nos.11550 & 11551 of 2021

Pitchamuthu

... Petitioner

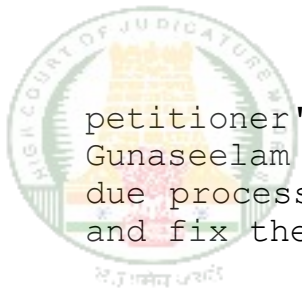
Vs.

- 1.The District Collector,
Trichy District,
Trichy.
- 2.The Revenue Divisional Officer,
Musiri Revenue Division,
Musiri,
Trichy District.
- 3.The Tahsildar,
Musiri Taluk Office,
Musiri,
Trichy District.
- 4.The Block Development Officer,
Musiri Union,
Musiri,
Trichy District.
- 5.The President,
Gunaseelam Village Panchayat,
Chennakkarai Post,
Musiri Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice of the fourth respondent vide his letter in Na.Ka.No.A3/1970/2021 dated 05.08.2021 and quash the same as illegal, consequently direct the respondents not to

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petitioner's patta land in S.F.Nos.276/1 for an extent of 0.02.80 at Gunaseelam Village, Musiri Taluk, Trichy District without following due process of law before conducting survey by the revenue officials and fix the boundaries of the subject land.

For Petitioner : Mr.K.Arunraj
For RR 1 to 3 : Mr.B.Saravanan
Government Advocate
For RR 4 & 5 : Mr.P.Thilak Kumar
Standing Counsel for the Government

ORDER

(Order of the Court was made by **M.DURAISWAMY, J.**)

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice of the fourth respondent, dated 05.08.2021 and quash the same and consequently directing the respondents not to vacate the petitioner's house along with compound wall situated in petitioner's patta land in S.F.Nos.276/1 measuring to an extent of 0.02.80 at Gunaseelam Village, Musiri Taluk, Trichy District, without following due process of law before conducting survey by the revenue officials and fixing the boundaries of the subject land.

2.The petitioner has challenged the notice issued by the fourth respondent, dated 05.08.2021, calling upon him to remove the encroachment made in Survey No.277.

3.When the matter is taken up for hearing today, Mr.K.Arunraj, learned counsel appearing for the petitioner submitted that he has got instruction to represent that the petitioner is willing to remove the encroachment, if the respondents survey the land and ultimately find that the petitioner had encroached the land in Survey No.277.

4.M.P.Thilak Kumar, learned Standing Counsel for the Government taking notice for the respondents 4 and 5 submitted that the petitioner is residing in Survey No.276 and that he has put up the compound wall in Survey No.277 by encroaching the said land.

5.In view of the submissions made by the learned counsel appearing on either side, we direct the third respondent to conduct survey of the land in dispute and if the third respondent comes to the conclusion that the petitioner had encroached the land in Survey No.277, the same may be removed. It is also made clear that at the time of survey of the land, the petitioner shall be present.



6.With these observations, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD II)

// True Copy //

WEB 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,
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Trichy.
- 2.The Revenue Divisional Officer,
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Musiri,
Trichy District.
- 3.The Tahsildar,
Musiri Taluk Office,
Musiri,Trichy District.
- 4.The Block Development Officer,
Musiri Union,
Musiri,
Trichy District.
- 5.The President,
Gunaseelam Village Panchayat,
Chennakkarai Post,
Musiri Taluk,
Trichy District.

+1 CC to M/s.GP (SR-26739[F] dated 19/08/2021)

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17.08.2021

MGJ(25.08.2021) 3P 7C

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