



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.14690 of 2021

and W.M.P.(MD) Nos.11621 and 11622 of 2021

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S.Deivendran

... Petitioner

Vs.

- 1.The District Collector,
Madurai Collectorate Campus,
Madurai - 20.
- 2.The Assistant Director (Village Panchayats),
Madurai Collectorate Campus, Madurai - 20.
- 3.The District Revenue Officer,
Madurai District.
- 4.The Revenue Divisional Officer,
Melur Taluk, Madurai District.
- 5.The Block Development Officer,
Melur Union Office, Madurai District.
- 6.The Tahsildar,
Melur Taluk, Madurai District.
- 7.The President,
Sathamangalam Village Panchayat,
Thaniyamangalam Post - 625 109.
Melur Taluk, Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order in Na.Ka.No.270/2021/chi3, dated 06.08.2021 on the file of the 5th respondent and quash the same and further direct the 5th Respondent to complete the enquiry in respect of the property in S.No.109/33 situated in Sathamangalam Village, Melur Sub Division, Madurai District.

For Petitioner : Mr.R.Maheswaran

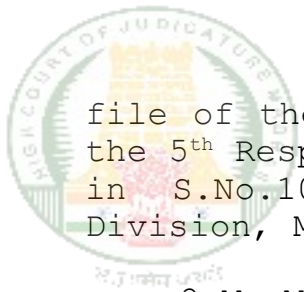
For Respondents : Mr.M.Sidharthan
Additional Government Pleader

ORDER

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

The Writ Petition has been filed by the petitioner for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned order in Na.Ka.No.270/2021/chi3, dated 06.08.2021 on the

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



file of the 5th respondent and quash the same and further to direct the 5th Respondent to complete the enquiry in respect of the property in S.No.109/33, situated in Sathamangalam Village, Melur Sub Division, Madurai District.

2.Mr.M.Sidharthan, learned Additional Government Pleader, accepts notice on behalf of the respondents.

3.By consent, this Writ Petition itself is taken up for final disposal at the time of admission.

4.Earlier one K.Soundararajan, filed a Writ Petition in W.P. (MD) No.16317 of 2020 against respondent Nos.1, 2, 5 to 7, the writ petitioner and one Vasanth, in which, there was a specific direction by this Court, directing the fifth respondent herein to issue notice to the petitioner herein and another and to re-measure the property in their presence and also consider the documents that may be produced by them. But a reading of the impugned order, dated 06.08.2021, shows that it does not refer to any of the documents produced by the petitioner herein, though the said order refers to the order passed in W.P.(MD) No.16347 of 2020.

5.The learned counsel for the petitioner would submit that without advertng to the documents filed by the petitioner, the respondents cannot conclude that he had encroached upon the property.

6.In the light of the above facts, we set aside the impugned order and direct the fifth respondent/ Block Development Officer, Melur Union Office, Madurai District, to give yet another opportunity to the petitioner for producing documents in support of his case and thereafter, consider the same, after affording an opportunity of hearing to him and then, pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7.The Writ Petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

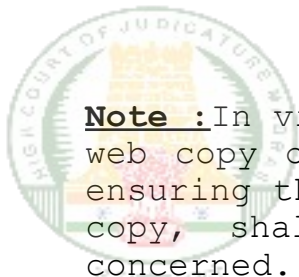
Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj



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

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Sthamangalam Village Panchayat,
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Melur Taluk, Madurai District.

+1 CC to M/s.SPL GP (SR-35349[F] dated 22/11/2021)

W.P(MD)No.14690 of 2021

19.11.2021

_RD(03.12.2021) 3P 9C