



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P.(MD) No.15005 of 2021

and

W.M.P.(MD) Nos.11945 and 11947 of 2021

Arumugam

.. Petitioner

Vs

1.The District Collector,
Trichy District,
Trichy.

2.The District Adi Dravidar and Tribal Welfare Officer,
Collector Office,
Trichy District.

3.The Block Development Officer (Panchayat Union),
Thathaiyankarpur Panchayat Union,
Musiri, Trichy District.

4.The Tahsildar,
Musiri Taluk,
Trichy District.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorari, to call for the entire records relating to the impugned order in Na.Ka.No.B2/2462/2021 dated 11.08.2021 on the file of the third respondent and quash the same as illegal.

For Petitioner : Mr.R.Maheswaran

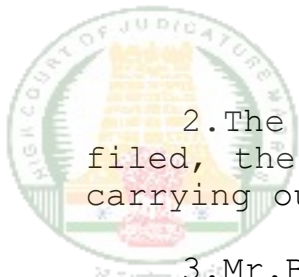
For Respondents : Mr.B.Saravanan

Government Advocate

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The grievance of the petitioner is that the revenue officer in this case has issued directions to the Tahsildar directly to measure a land and to remove the petitioner, if the petitioner is found to have encroached on any government land. The notice required to exercise to be conducted on August 19, 2021.



2.The petitioner says that since the writ petition had been filed, the district officials have been persuaded to return without carrying out the exercise on August 19, 2021.

3.Mr.B.Saravanan, Government Advocate, appears on behalf of the official respondents.

4.The petitioner claims that the land may belong to the villagers and not to the government and the principal grievance appears to be that no opportunity has been afforded to the petitioner to explain the petitioner's possession and the circumstances in which the petitioner continues to occupy the relevant land. Accordingly, the impugned notice dated August 11, 2021 is quashed and the respondent authorities are left free to issue an appropriate notice in accordance with law to the petitioner calling upon the petitioner to explain the petitioner's possession, whereupon the block development officer will afford the petitioner an opportunity of hearing before passing a reasoned order within four weeks of receipt of the petitioner's representation following the issuance of the show-cause notice. It is made clear that nothing in this order should be deemed to be an acceptance of the petitioner's right to remain in occupation of the relevant land. The matter will be decided strictly in accordance with law and on the basis of the petitioner's response to the show-cause notice that may be issued to him.

5.W.P(MD)No.15005 of 2021 is disposed of. W.M.P(MD)Nos.11945 and 11947 of 2021 are closed. There will be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps/pm

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,
Trichy District,
Trichy.

2.The District Adi Dravidar and Tribal Welfare Officer,
Collector Office,
Trichy District.

3.The Block Development Officer (Panchayat Union),
Thathaiyankarpur Panchayat Union,
Musiri, Trichy District.

4.The Tahsildar,
Musiri Taluk,
Trichy District.

+1 CC to M/s.SPL GP (SR-27049[F] dated 24/08/2021)

W.P. (MD) No.15005 of 2021
23.08.2021

DJ(CO)
KB(27.08.2021) 3P 6C