



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 09.11.2021
THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)NO.16605 of 2021

and

W.M.P(MD)No. 13479 of 2021

WEB COPY

A.Muneeswaran

:Petitioner

.vs.

1.The Tahsildar,
Vadipatti Taluk,
Madurai District.

2.The Executive Officer,
Vadipatti Town Panchayat,
Madurai District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records in pursuant to the impugned Eviction Notice issued by the second respondent in Na.Ka.No.198 of 2021, dated 07.09.2021 as illegal and to quash the same.

For Petitioner

:Mr.S.M.Mohan Gandhi

For Respondents

:Mr.P.Subbaraj

Govt.Advocate

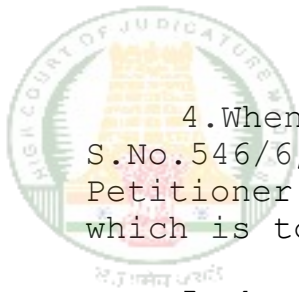
O R D E R

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

The Writ Petition is filed challenging the eviction notice issued by the second respondent, dated 7.9.2021.

2.The eviction notice issued by the second respondent relates to S.No.546-8 and S.No.551/38. In S.No.551/38, there is a brick constructed building with asbestos sheet. Therefore, they have called upon the Writ Petitioner to remove the encroachment within a period of seven days, which is now under challenge in the present Writ Petition.

3.The learned counsel appearing for the Petitioner would state that he has purchased the property situated in S.No.546/6, measuring an extent of 0.09.59 sq.ft in Kulasekarankottai Village, T.Vadipatti, Madurai District by virtue of sale deed, dated 20.04.2010 and he has been in possession and enjoyment of the said property by paying tax etc.



4.When the property belonging to the Petitioner is situated in S.No.546/6, the authorities have issued eviction notice to the Petitioner alleging encroachment in S.No.546/8 and S.No.551/38, which is totally unconnected with the Petitioner.

5.The learned Government Advocate appearing for the respondents states that though the Petitioner's land is situated in S.No.546/6, he has encroached upon a portion of land in the notice mentioned survey numbers.

6.If that is so, it is open to the authorities to take appropriate action to remove the encroachment after measuring the property in the presence of the Writ Petitioner, for which, the Writ Petitioner cannot have any objection.

7.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn

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 Tahsildar,
Vadipatti Taluk,
Madurai District.

2.The Executive Officer,
Vadipatti Town Panchayat,
Madurai District.

+1 CC to M/s.SPL.GP (SR-33922[F] dated 10/11/2021)

ORDER MADE IN
W.P (MD) NO.16605 of 2021
and
W.M.P (MD) No. 13479 of 2021
09.11.2021