



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.01.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.19585 of 2020

and W.M.P. (MD) No.16304/2020

(Through Video Conferencing)

A.Ramanathan

: Petitioner

Vs.

1.The District Collector,
Pudukottai District.

2.The Tahsildar,
Tirumayam Taluk
Pudukottai District.

3.The Block Development Officer, (Village Panchayat)
Kadaiyapatti Panchayat,
Arimalam Panchayat Union
Pudukottai District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Certiorari to call for the records relating to the impugned notice in Na.Ka.No.3725/2020/Thi4 dated 08.12.2020 issued by the 3rd respondent and quash the same as it is arbitrary and illegal.

For Petitioner : Mr.R.Suriyanarayanan

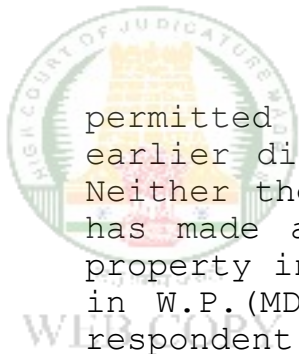
For Respondents : Mr.K.P.Narayanakumar for R1 & R2
Special Government Pleader
Mr.R.Murugaraj for R3
Government Advocate

ORDER

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

The petitioner, who is the father-in-law of the owner of the property, in S.No.175/54 in Patta No.475 situate in Panangudi Village, Arimalam Panchayat Union, Tirumayam Taluk, Pudukottai District, has come forward to file this writ petition challenging the impugned notice dated 08.12.2020, by which, the respondent No.3 directed the daughter-in-law of the petitioner to remove the encroachment, failing which, consequential action will follow.

2. The learned counsel for the petitioner submitted that the owner of the property, namely, his daughter-in-law of S.No.175/54 pertaining to Patta No.475 resides abroad and therefore, he may be



permitted to pursue this case. It is further submitted that the earlier direction issued by this Court has not been complied with. Neither the petitioner nor the owner of the property in S.No.175/54 has made any encroachment in S.No.175/22. She has purchased the property in S.No.175/54, by way of registered gift deed. This Court in W.P.(MD) No.18247/2019, by order dated 19.09.2019 directed the respondent No.3 in this writ petition to conduct an enquiry and thereafter remove the encroachment, if any.

3. The learned Special Government Pleader for the respondents 1 and 2 submitted that action is initiated only with respect to encroached portion. If the daughter-in-law of the petitioner has got patta, the same will not be disturbed.

4. To resolve the aforesaid dispute, we direct the respondent No.3 to conduct an enquiry and measure the entire portion including the one alleged to have been encroached by the daughter-in-law of the petitioner. We may note that the petitioner himself as averred that he has not encroached any portion pertaining to S.No.175/22. Therefore, if any encroachment is found in S.No.175/22, it has to be removed forthwith. If there is any encroachment, the question as to whether S.No.175/54 actually belongs to the daughter-in-law of the petitioner or otherwise is a matter for enquiry. Therefore, after making a detailed enquiry followed by survey, which would include the consideration of relevant revenue records and the settlement deed, an appropriate final order will have to be passed by the respondent No.3, which is also a direction issued by this Court in W.P.(MD) No.18247/2019 dated 19.09.2019.

5. The aforesaid will have to be done within a period of eight weeks from the date of receipt of a copy of this order. Till such time, status quo as on today insofar as S.No.175/54 will have to be maintained. The third respondent shall undertake the said exercise with the assistance of the respondent No.2.

6. With the aforesaid observation and direction, this writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

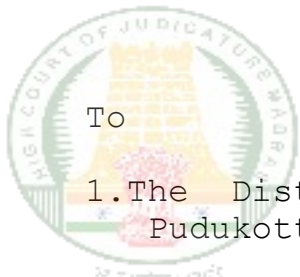
Assistant Registrar ()

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/ /2021

Sub Assistant Registrar(CS)

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



To

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2.The Tahsildar,
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Pudukottai District.

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W.P. (MD) No.19585 of 2020
Dated: 06.01.2021

PM(CO)
KB(20.01.2021) 3P 4C