



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.20503 of 2021

and W.M.P.(MD) No.17135 of 2021

WEB COPY

Ganesan

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

2.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

3.The Head Surveyor,
Aranthangi Taluk,
Pudukkottai District.

4.The Firka Surveyor,
Aranthangi Taluk,
Pudukkottai District.

5.The Block Development Officer,
Village Panchayats,
Aranthangi Panchayat Union,
Aranthangi,
Pudukkottai District.

6.The President,
Silattur Panchayat Board,
Silattur Panchayat,
Aranthangi Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the impugned notice in proceedings in U/Letter No.10/2021-2022, dated 09.11.2021, issued by the 6th respondent and quash the same as illegal.

For Petitioner	: Mr.M.Suresh
For Respondent Nos.1	: Mr.P.Subbaraj
to 6	Special Government Pleader



O R D E R

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

This Writ Petition is assailing the notice of the 6th respondent in U/Letter No.10/2021-2022, dated 09.11.2021, which states that the petitioner has encroached upon the road by putting up barbed wire fence and that it is an encroachment and he was called upon to remove the encroachment by 16.11.2021.

2.Mr.P.Subbaraj, learned Special Government Pleader, accepts notice on behalf of the respondents.

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

4.On the earlier occasion, the very same petitioner has filed a Writ Petition in W.P.(MD) No.19791 of 2020, in which, this Court had found that survey has been conducted in the presence of local public for the purpose of removal of encroachments, if any, and directed the private respondents therein to approach the Block Development Officer and establish their rights by producing the documents in their favour and if there is no document in their favour, to establish their possession, then, they were directed to be removed as encroachers. In the said process of surveying, the petitioner himself is alleged to be an encroacher of S.No.66/16, Silattur, Aranthangi Taluk, to an extent of 10 meters.

5.Since the petitioner himself is found to be an encroacher, we direct the fifth and sixth respondents to afford an opportunity of personal hearing to the petitioner to produce his document of title and also measure the property. If the petitioner is found to be in occupation of excess land than what he is actually entitled, it is open to the authorities to remove the encroachment. The above said exercise shall be completed within a period eight weeks from the date of receipt of a copy of this order. Till then, the status-quo order already granted on 16.11.2021 shall continue.

6.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

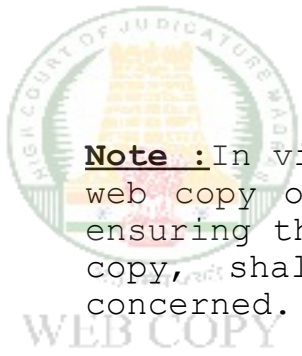
Sd/-

Assistant Registrar (Records)

// True Copy //

/ /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 concerned.

To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
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Aranthangi Taluk,
Pudukkottai District.
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Village Panchayats,
Aranthangi Panchayat Union,
Aranthangi,
Pudukkottai District.
- 6.The President,
Silattur Panchayat Board,
Silattur Panchayat,
Aranthangi Taluk,
Pudukkottai District.

+1 CC to M/s.SPL GP (SR-39283[F] dated 17/12/2021)

W.P (MD) No.20503 of 2021
16.12.2021

SE (CO)
GC(29.12.2021) 3P 8C