



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

CORAM :

WEB COPY

**THE HONOURABLE TMT.JUSTICE PUSHPA SATHYANARAYANA
and
THE HONOURABLE THIRU.JUSTICE P.VELMURUGAN**

W.P (MD)No.21058 of 2021
and
WMP (MD)No.17658 of 2021

Rakkammal

... Petitioner

vs.

1) The District Collector,
Pudukottai District.

2) The Revenue Divisional Officer,
Arandhangi Taluk,
Pudukottai District.

3) The Thashildar,
Arandhangi,
Pudukottai District.

4) The President,
Aamanji Panchayat Union,
Arandhangi,
Pudukottai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, to call for the records pertaining to the impugned order dated 17.11.2021 passed by the 4th respondent vide proceedings Voo.Letter No.10/2021-2022 and quash the same as illegal.

For Petitioner : Mr.C.Senthil Murugan

For R1 to R3 : Mr.M.Siddharthan
Additional Government Pleader

For R4 : Ms.S.Jeyapriya
Government Advocate



ORDER

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

The writ petition is directed against the eviction notice dated 16.11.2021, issued in Panchayat Letter No.10/2021-2022.

2. The said eviction process itself was pursuant to the direction given by this Court in W.P(MD)No.5225 of 2021, dated 26.04.2021. In the said order, the authorities were directed to survey the property and if there was any encroachment, then issue the eviction notice.

3. The impugned order specifically mentions about the above order passed by this Court and the direction given by the Tahsildar, who is the 3rd respondent and also the reference to the survey done in the presence of the Block Development Officer. It is stated that in Survey No.145/1, the writ petitioner has encroached upon an extent of 0.19.5 hectares, by a portion of concrete house with thatched roof and also with Paver Block flooring.

4. The learned counsel for the petitioner says that the notice was issued on 17.11.2021, directing the petitioner to evict on or before 23.11.2021, within a short time. The petitioner has further stated in the affidavit that she is having a cattle shed, stocked haystack for the cattles and it will be difficult to vacate immediately, especially during this rainy season and seeks three months time to vacate.

5. Considering the plight of the petitioner, we are inclined to grant two months from today, for the petitioner to vacate the encroached portion. If the petitioner is not vacating the encroached portion within the stipulated time, it is open to the authorities to take action to evict her.

6. With the above observation, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Bala



To

- 1) The District Collector,
Pudukottai District.
- 2) The Revenue Divisional Officer,
Arandhangi Taluk,
Pudukottai District.
- 3) The Thashildar,
Arandhangi,
Pudukottai District.
- 4) The President,
Aamanji Panchayat Union,
Arandhangi,
Pudukottai District.

+1 CC to M/s.S.JEYA PRIYA, Advocate (SR-36397[F] dated 29/11/2021)

ORDER MADE IN
W.P(MD)No.21058 of 2021
DATED : 25.11.2021

PS (CO)
TR(06.12.2021) 3P 6C