



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.21751 of 2021

and W.M.P. (MD) No.18346 of 2021

WEB COPY

Tamilarasi

... Petitioner

Vs.

1. The Block Development Officer,
Thathaiyangarpettai Union,
Trichy.
2. The Tahsildar,
Office of the Tahsildar,
Musiri Taluk, Trichy District.
3. The Inspector of Police,
Thathaiyangarpettai Police Station,
Trichy District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings issued by the 1st respondent in Na.Ka.No.A2/2651/2021, dated 18.11.2021, addressed to the 2nd and 3rd respondents and quash the same as illegal and consequently, directing the respondents not to dispossess the petitioner from her own property comprised in S.No.453/31, situated at Devanur Village, Musiri Taluk, Trichy District except under due process of law.

For Petitioner : Mr.K.V.Rajarajan

For Respondent No.1 : Mr.P.Thilakkumar
Government Pleader

For Respondent Nos.2 : Mr.B.Saravanan
and 3 Additional Government Pleader

O R D E R

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

The Writ Petitioner has assailed the order passed by the first respondent in Na.Ka.No.A2/2651/2021, dated 18.11.2021, calling upon the petitioner to remove the encroachments and deliver vacant possession of an extent of 30 square meters in S.No.453/31, at Devanur Village, Musiri Taluk, Trichy District.



2.Mr.P.Thilakkumar, learned Government Pleader, accepts notice on behalf of the first respondent and Mr.B.Saravanan, learned Additional Government Pleader, accepts notice on behalf of respondent Nos.2 and 3.

WEB COPY

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

4.The learned counsel for the petitioner contended that the petitioner is not an encroacher and she has got a patta. But, on a perusal of the copy of the patta, which is furnished in the typed set of documents, it is seen that the petitioner Tamilarasi is the owner of the land measuring an extent of 0.01.0 ares in S.No.453/32. If that is so, the impugned eviction notice relates only to S.No.453/31, for which, the petitioner cannot be aggrieved. If she has encroached upon S.No.453/31, she has to remove the encroachments and deliver vacant possession to the respondents.

5.As it is admitted that the petitioner has encroached upon S.No.453/31, the learned counsel for the petitioner on instructions, seeks three weeks time to remove the encroachments and deliver vacant possession to the respondents. His request is accepted and within that time, the petitioner is directed to remove the encroachments and handover possession to respondents and till such time, the petitioner should not be disturbed.

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

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj

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 Block Development Officer,
Thathaiyangarpettai Union,
Trichy.
2. The Tahsildar,
Office of the Tahsildar,
Musiri Taluk, Trichy District.
3. The Inspector of Police,
Thathaiyangarpettai Police Station,
Trichy District.

+1 CC to M/s.SPL GP (SR-38120[F] dated 10/12/2021)

W.P (MD) No.21751 of 2021

09.12.2021

USK (17.12.2021) 3P 6C