WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P(MD)No.611 of 2022
and
W.M.P(MD)No.492 of 2022

Marcelin ... Petitioner

vs.

1.The Revenue Divisional Officer,
Rameswaram,
Ramnad District.

2.The Tahsildar,
Rameswaram Taluk,
Ramnad District.

3.V.Karpakavalli ... Respondents

(R – 3 is impleaded vide order dated 29.09.2022
in W.M.P(MD)No.13141 of 2022)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining to the order of the second respondent dated 17.12.2021 passed by his proceedings in Na.Ka.No.A2/808/2021 and quash the same as illegal.

https://www.mhc.tn.gov.in/judis

WEB COPY

For Petitioner : Mr.D.Venkatesh

For RR 1 & 2 : Mr.S.P.Maharajan
Special Government Pleader

For R – 3 : Mr.R.Jegadeeswaran

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

Challenging the impugned eviction order passed by the second respondent in Na.Ka.No.A2/808/2021, dated 17.12.2021, wherein, the petitioner was directed to remove the encroachment within 30 days, the present Writ Petition has been filed.

2.Today, when the matter was taken up for hearing, the learned counsel appearing for the petitioner as well as the learned counsel appearing for the third respondent agreed to conduct a survey in the place in question so as to ascertain whether there is any encroachment made by the petitioner.

3.In view of the abovesaid submissions, the authorities concerned are directed to conduct a survey in the place in question, after issuing notice

https://www.mhc.tn.gov.in/judis

WEB COPY

to the petitioner and all other parties concerned within a period of four weeks from the date of receipt of a copy of this order. If there is any encroachment as claimed by the petitioner, the authorities concerned shall take necessary action for removal of such encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight weeks thereafter.

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

[R.M.D.,J.] & [J.S.N.P.,J.]
15.11.2022

Index : Yes / No
Internet : Yes
ps

To

1.The Revenue Divisional Officer,
Rameswaram,
Ramnad District.

2.The Tahsildar,
Rameswaram Taluk,
Ramnad District.

https://www.mhc.tn.gov.in/judis

WEB COPY

R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
W.P(MD)No.611 of 2022

15.11.2022

https://www.mhc.tn.gov.in/judis