



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2022

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)NO.1628 OF 2022

and

W.M.P(MD)Nos.1420, 1421 and 1527 of 2022

A.Arulnesan :Petitioner
.vs.

1.The District Collector,
Ramanathapuram District,Ramanathapuram.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Paramakudi Taluk,
Ramanathapuram District,Ramanathapuram.

3.The Tahsildar,
Office of the Tahsildar,
Paramakudi,Ramanathapuram District.

4.The Block Development Officer,
(Panchayat Union),
Paramakudi,
Ramanathapuram District. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order in Na.Ka.No.A2/1737/2018, dated 24.12.2021 and to quash the same as illegal and consequently to restrain the respondents from evicting the Petitioner from his dwelling house in S.No.119/2C, in an extent of 230 sq.meters situated at S.Kavanoor Village, Paramakudi Taluk,Ramanathapuram District within the time stipulated by this Court.

For Petitioner :Mr.T.Thirumurugan

For Respondents :Mr.P.Subbaraj
1 to 3 Special Govt.Pleader

<https://hcservices.ecourts.gov.in/hcservices> For Respondent-4 :Mr.Ramesh Arumugam



O R D E R

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

WEB COPY This Writ Petition is filed challenging the order issued by the Block Development Officer (Panchayat Union), Paramakudi, Ramanathapuram District in Na.Ka.No.A2/1737/2018, dated 24.12.2021, directing the Petitioner to remove the encroachment made in S.Nos. 119/29, 119/33 and 119/25, situated at S.Kavanoor Village, S.Kavanoor Village Panchayat, Paramakudi Panchayat Union, Ramanathapuram District.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. The learned counsel for the Petitioner has produced a patta in the name of the Petitioner for S.NO.119/2 which was sub-divided into S.Nos.119/2A and 119/2B and 119/2C, whereas, he has now encroached upon the Natham Poramboke land, which is meant for common enjoyment of the village in the above referred survey numbers. The Petitioner appears to have encroached upon an extent of 000.13.7 sq meters which is classified as 'Pathai' by fencing the same by barbed wire. Based on the said report of the Revenue Inspector, the impugned notice has been issued. So when admittedly the Petitioner has encroached upon other survey numbers adjacent to his patta land, it is for the Petitioner to remove the encroachment and hand over the possession of the same to the respondents.

4. In view of the same, the respondents 3 and 4 are directed to survey the land of the Petitioner and demarcate the exact extent of encroachment made by him and grant sufficient time to the Petitioner to remove the said encroachment.

5. With the above directions, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (As)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

vsn



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,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Paramakudi Taluk,
Ramanathapuram District,
Ramanathapuram.
- 3.The Tahsildar,
Office of the Tahsildar,
Paramakudi,
Ramanathapuram District.
- 4.The Block Development Officer,
(Panchayat Union),
Paramakudi,
Ramanathapuram District.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-3512[F] dated 01/02/2022)

+1 CC to M/s.SPL.GP (SR-3333[F] dated 01/02/2022)

W.P(MD)NO.1628 OF 2022

and

W.M.P(MD)Nos.1420, 1421

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MGJ(09.02.2022) 3P 7C