



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

WEB COPY

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

W.P(MD)No.1956 of 2022
and
WMP(MD)Nos.1683 and 1684 of 2022

P.Muthaiah Thevar

... Petitioner

vs.

- 1) The District Collector,
Office of the Collectorate Building,
Madurai District.
- 2) The Tahsildar,
Usilampatti Tahsildar Office,
Usilampatti, Madurai District.
- 3) The Block Development Officer,
Usilampatti Panchayat Union,
Usilampatti, Madurai District.
- 4) The President,
Jothilnayakanur Village Panchayath,
Usilampatti Panchayath Union,
Madurai 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 notice/order issued by the 4th respondent in his proceedings No.Nil dated 18.12.2021 and 20.01.2022 and quash the same.

For Petitioner : Mr.D.S.Haroon Rasheed
For R1 to R3 : Mr.P.Subbaraj
Special Government Pleader

ORDER

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

The eviction notice issued by the 4th respondent is challenged in this writ petition.

<https://hcservices.ecourts.gov.in/hcservices/>



2. The notice states that Survey No.202/14 which is classified as Government Poramboke, has been encroached by several individuals. Upon a complaint given by one Jeyaraj son of Vellaisamy, one Rasu son of Kaatu Muthaiah is found to be in possession by constructing a house. Hence, the above notice has been issued. The notice is challenged by the father of the addressee P.Muthaiah Thevar.

3. The petitioner produced a sale deed dated 08.07.1985 in his favour evidencing his ownership of a house in Door No.79/A, 79B in Survey No.142/1 in Jothilnayakanur Village Panchayat. The petitioner states that subsequently, re-classification has been done and the survey number has been changed. It is not known whether any survey has been done before issuing the abovesaid notice. Along with the writ petitioner, few others also been issued with the notice alleging encroachment upon Survey Nos.315/15, 371/1, 90/32 and 90/33. The eviction notice also does not specify the extent of encroachment. Therefore, without doing the survey and ascertaining the extent of encroachment, notice of eviction cannot be issued.

4. Therefore, the impugned notice dated 18.12.2021 is set aside and the 4th respondent is directed to conduct a survey of the property with the help of the 2nd respondent and demarcate the extent of encroachment done by the petitioner and others and then issue the order of eviction in the manner known to law.

5. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(Writs)

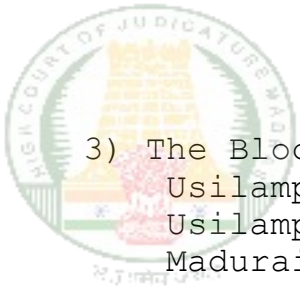
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/ /2022

Sub Assistant Registrar(CS)

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To

- 1) The District Collector,
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Madurai District.
- 2) The Tahsildar,
Usilampatti Tahsildar Office,
Usilampatti,
Madurai District.



3) The Block Development Officer,
Usilampatti Panchayat Union,
Usilampatti,
Madurai District.

4) The President,
Jothilnayakanur Village Panchayath,
Usilampatti Panchayath Union,
Madurai District.

+1 CC to M/s.SPL.GP (SR-3963[F] dated 03/02/2022)

ORDER MADE IN
W.P(MD)No.1956 of 2022
DATED : 02.02.2022

svs(CO)
TR(18.02.2022) 3P 6C