



W.P.(MD) No.21068 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2022

CORAM:

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

W.P.(MD) No.21068 of 2022
and
W.M.P.(MD) No.15292 of 2022

Devarpiran

... Petitioner

-VS-

1.The District Collector
Thoothukudi District
Thoothukudi

2.The Thasildar
Srivaikundam Taluk
Thoothukudi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining the impugned eviction notice in Na.Ka.A5/2432-2020, dated 03.06.2021 issued by the 2nd respondent and quash the same as illegal, arbitrary and non-application of mind.

For Petitioner : Mr.Balakrishnan
for Mr.V.Angusamy

For Respondents : Mr.S.P.Maharajan
Special Government Pleader



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer in this writ petition is for issuance of a writ of certiorari to quash the notice in Na.Ka.A5/2432-2020, dated 03.06.2021, issued by the second respondent, as illegal, arbitrary and non-application of mind.

2. According to the petitioner, he purchased the land comprised in Survey No.464/1 of Kilpidagai Varatharajapuram Village, Srivaikundam Panchayat Union, Thoothukudi District, measuring an extent of 3.9 Acres, from Kanthaiah and Muthuvelpandi, under a sale deed dated 13.05.2020 and registered as document No.338 of 2020, in the Sub-Registrar's Office at Srivaikundam and ever since the date of purchase, he is in absolute possession and enjoyment of the said property. However, the second respondent issued the impugned eviction notice dated 03.06.2021, under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, holding that the aforesaid property is classified as Grama Natham and the petitioner is an encroacher of the said property and hence, directed him to vacate the property. Challenging the same, the present writ petition has been filed.



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3. The learned counsel appearing for the petitioner, after making submissions at length, submitted that the writ petition may be disposed of with liberty to the petitioner to challenge the impugned eviction notice before the Authority concerned, in the manner known to law.

4. The learned Special Government Pleader appearing for the respondents has no objection for the above submission of the learned counsel for the petitioner.

5. In view of the above submission of the learned counsel for the petitioner, the writ petition is disposed of with liberty to the petitioner to challenge the impugned eviction notice dated 03.06.2021, issued by the second respondent, before the Authority concerned, in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

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

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Index : Yes / No
Internet : Yes / No

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