



W.P.(MD)No.26126 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2022

CORAM

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

W.P(MD)No.26126 of 2022
and W.M.P.(MD) No.20287 of 2022

Nagaraj

... Petitioner

Vs.

1.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.

2.The Executive Officer,
Ayyalur Town Panchayat,
Ayyalur Village,
Vedasandur Taluk,
Dindigul District.

3.R.Kanniappan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned Notice issued by the 2nd respondent in his proceedings Na.Ka.No.323/2022 dated 06.10.2022 and quash the same and further direct the 1st respondent to issue the patta to the Petitioner with regard to property in Survey No.1789/6 to an extent of 0.62 Sq. meter situated in Ayyalur Village, Vedasandur Taluk, Dindigul District.



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For Petitioner

: Mr.G.Gomathi Sankar

For Respondents 1 & 2

: Mr.S.P.Maharajan

Special Government Pleader

* * *

ORDER

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

The petitioner has come forward with this writ petition, challenging the notice issued by the 2nd respondent in Na.Ka.No. 323/2022, dated 06.10.2022, and for a further direction to the 1st respondent to issue patta to him with regard to property in Survey No.1789/6 to an extent of 0.62 Sq. meter situated in Ayyalur Village, Veda sandur Taluk, Dindigul District.

2. Heard Mr.G.Gomathi Sankar, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 & 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 3rd respondent is dispensed with.



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4. According to the petitioner, Survey No.1789/6 in Ayyalur Village, Vedasandur Taluk, Dindigul District, was originally classified as Poramboke land and it was in possession and enjoyment of the petitioner and others and it was never used as public pathway and based on the representation of the petitioner a portion of the land in Survey No.1789/6 was converted as Ryotwari Manai and the petitioner was given Ryot Patta and the remaining land in the said survey number is used as lane and vacant land and the latrine put up by him with the financial assistance of the Government is not causing any disturbance to the general public and without giving any opportunity to the petitioner to explain his statement, the impugned notice has been issued.

5. By order dated 11.10.2022, in W.P.(MD) No.20748 of 2018, touching upon the same subject, this Court has directed the official respondents to give opportunity to all the parties concerned and thereafter, proceed for removal of encroachment, if any. But, a week earlier, the authorities have issued the impugned notice, granting liberty to the petitioner for filing objections or for removing encroachment. Without filing the objections, the petitioner has rushed to this Court with this Writ Petition. To give



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quietus to the issue, the impugned notice be treated as a Show Cause Notice, for which, the petitioner is directed to give his objections within a period of two weeks from the date of receipt of a copy of this order. On such filing, the same be considered by the 2nd respondent, after hearing all the parties concerned, as directed by this Court by order dated 11.10.2022, in W.P.(MD) No.20748 of 2018, and remove the encroachment, if any, by following due process of law within an outer time limit of six weeks.

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

[R.M.D., J.] [J.S.N.P., J.]
18.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

1.The Tahsildar,
Vedasandur Taluk Office,
Vedasandur,
Dindigul District.



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2.The Executive Officer,
Ayyalur Town Panchayat,
Ayyalur Village,
Vedasandur Taluk,
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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