



W.P(MD)No.26924 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

CORAM:

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

**W.P(MD)No.26924 of 2022
and
W.M.P(MD)Nos.21088 & 21090 of 2022**

S.Deivendran

... Petitioner

VS.

- 1.The District Collector,
Madurai Collectorate Campus,
Madurai – 20.
- 2.The Assistant Director (Village Panchayats),
Madurai Collectorate Campus,
Madurai – 20.
- 3.The District Revenue Officer,
Madurai District.
- 4.The Revenue Divisional Officer,
Melur Taluk,
Madurai District.
- 5.The Block Development Officer,
Melur Union Office,
Madurai District.
- 6.The Tahsildar,
Melur Taluk,



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7.The President,
Sathamangalam Village Panchayat,
Thaniyamangalam Post – 625 109,
Melur Taluk,
Madurai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order in Na.Ka.No.3494/2020/Aa1 on the file of the sixth respondent, dated 24.11.2022 (served on 27.11.2022) and quash the same and further direct the fifth respondent to complete the enquiry in respect of the application made by the petitioner for UDR rectification in respect of the property in Survey No.109/33 situated at Sathamangalam Village, Melur Sub Division, Madurai District.

For Petitioner : Mr.R.Maheswaran

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

ORDER

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

This Writ Petition is filed to quash the impugned order in Na.Ka.No. 3494/2020/Aa1 on the file of the sixth respondent, dated 24.11.2022 (served on 27.11.2022) and further directing the fifth respondent to



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complete the enquiry in respect of the application made by the petitioner seeking UDR rectification in respect of the property in Survey No.109/33 situated at Sathamangalam Village, Melur Sub Division, Madurai District.

2.The facts leading to the filing of this Writ Petition are as follows:-

2.1. Originally, the property in Survey No.109/33 at Sathamangalam Village, Melur Sub Division, Madurai District, belonged to the petitioner's ancestors and thereafter, he was in possession and enjoyment of the same. The petitioner came to understand that the said survey number has been sub-divided during the UDR and Survey No.109/33 has been classified as pathway. Hence, he submitted an application before the third respondent for making necessary UDR rectification and the same is pending till date. One Soundararajan filed a Writ Petition in W.P(MD)No.16347 of 2020, seeking removal of encroachment made by the respondents 6 and 7 therein in Survey No.109/33, Sathamangalam Village, Melur Taluk, Madurai District and this Court, by order dated 15.04.2021, directed the third respondent therein to re-measure the property in the presence of the petitioner and the respondents 6 and 7 therein, consider the documents submitted by the respondents 6 and 7 and pass a reasoned order. On receipt of the notice



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dated 08.07.2021, the petitioner submitted a detailed explanation. However, the fifth respondent passed an order, dated 06.08.2021 directing the petitioner to remove the encroachments made in the abovesaid survey number. Challenging the same, the petitioner filed a Writ Petition in W.P(MD)No.14690 of 2021 and this Court, by order, dated 19.11.2021, set aside the order dated 06.08.2021 and directed the fifth respondent therein to give another opportunity to the petitioner for producing documents in support of his case and thereafter consider the same, after affording an opportunity of hearing to him and then, pass appropriate orders on merits and in accordance with law, within a period of four weeks. Subsequent to the order passed in the abovesaid Writ Petition, on 03.09.2022, the sixth respondent, without giving any opportunity of hearing to the petitioner, directed the fifth respondent to take action for the removal of the encroachment. Challenging the abovesaid order of the sixth respondent, the petitioner filed a Writ Petition in W.P(MD)No.22669 of 2022. In the meantime, the said Soundarajan filed a contempt petition in Cont.P(MD)SR.No.37335 of 2022 in W.P(MD)No.16347 of 2020 and this Court, by order, dated 18.07.2022, rejected the above contempt petition in SR stage and directed the sixth respondent to conduct survey in the property. On 27.09.2022, this Court granted an order of interim stay in



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W.P(MD)No.22669 of 2022. At this juncture, on 03.11.2022, the sixth respondent re-surveyed the abovesaid property and directed the petitioner to produce the relevant documents pertaining to Survey No.109/33. But without considering the same, the sixth respondent had sent a memo dated 08.11.2022. In the meanwhile, the petitioner withdrew the Writ Petition in W.P(MD)No.22669 of 2022. Thereafter, the sixth respondent passed the impugned order, dated 24.11.2022, directing the petitioner to remove the alleged encroachment within two days. Challenging the same, the petitioner has filed the present Writ Petition.

3.Heard both sides.

4.Considering the facts and circumstances of the case, we are not inclined to interfere with the impugned order, dated 24.11.2022 passed by the sixth respondent. However, there is no impediment for the petitioner to work out his remedy in the pending application filed by him seeking rectification of UDR measurements before the third respondent / District Revenue Officer.



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5.With the above observation, this Writ Petition is disposed of leaving it open to the petitioner to approach the third respondent as aforesaid. No costs. Consequently, connected Miscellaneous Petitions are closed.

[R.M.D.,J.] [J.S.N.P.,J.]
29.11.2022

Index : Yes / No
Internet : Yes
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ORDER MADE IN
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DATED : 29.11.2022