



W.P.No.30329 of 2023

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30329 of 2023

Kanniyappan

.. Petitioner

Vs.

1. The District Collector
Tiruvannamalai District.
2. The Tahsildar
Polur Taluk
Tiruvannamalai District.
3. The Block Development Officer
Polur Taluk
Tiruvannamalai District.
4. The Assistant Engineer
Public Works Department
Water Resource Department
Central Pennaiyar Irrigation Section
Polur Office
Tiruvannamalai District.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus, calling for the records relevant to the eviction notice dated 14.08.2023 issued by the fourth respondent and quash the same as illegal, improper, unreasonable, arbitrary against the natural justice and thereby directing the respondent 1 to 3 to consider the petitioner's representation dated 02.08.2021 and correct the mistake in UDR Scheme to issue the fresh patta as per the sale deed, document No.1882 of 1950 in the name of the petitioner in respect of the property situated in Tiruvannamalai District, Polur Taluka, Kasthambadi Mathura, Krishnapuram Village, bymas No.527 (2.8 Kanni), Survey Nos.66/5 and 66/6, total extend of 3 acres 68 cents.

For the Petitioner : Mr.B.Sundarapandiyan

For the Respondents : Mrs.R.Anitha
Special Government Pleader

ORDER

(Made by the Hon'ble Chief Justice)

Heard Mr.B.Sundarapandiyan, learned counsel for the petitioner and Mrs.R.Anitha, learned Special Government Pleader for the respondents.



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2. The contention of learned counsel for the petitioner is that prior to the issuance of Form III notice, Form II notice was not issued. Thereby, the petitioner did not get the opportunity to put forth his stand. According to the learned counsel for the petitioner, he is the legitimate owner of the subject properties in S.Nos.66/5 and 66/6.

3. Under the impugned notice/order, it is averred that the petitioner has encroached S.No.66/6 to an extent of 0.23.0 hectares and the said land is a Government Poromboke Canal.

4. There is a dispute as to whether Form II notice was served upon the petitioner. To balance the equities, we pass the following orders:

The impugned Form III notice shall be construed as Form II notice and the petitioner shall reply to the same within a period of ten days from today. The respondent Authority shall consider the reply filed by the petitioner and thereafter take a decision afresh, on its own merits, as to the issuance of fresh Form III notice or otherwise.



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5. In the light of that, the writ petition stands disposed of. There will be no order as to costs. Consequently, W.M.P.No.29912 of 2023 is closed.

(S.V.G., CJ.)

(D.B.C., J.)

19.10.2023

Index : Yes/No

Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY, J.

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