



W.P.(MD) No.846 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.846 of 2023

and

W.M.P.(MD)No.825 of 2023

C.Chandraseharan

... Petitioner

-Vs-

- 1.The District Collector,
Thoothukudi District, Thoothukudi.
- 2.The Assistant Director of Town Panchayat,
Tirunelveli.
- 3.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.

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4.The Executive Officer,
Udangudi Town Panchayat,
Tiruchendur Taluk, Thoothukudi District.

5.T.Selvaraj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned eviction order passed by the 4th respondent in Na.Ka.No.355/2022/A1, dated 23.12.2022 and quash the same as illegal, malicious and arbitrary.

For Petitioner	: Mr.R.Balakrishnan
For R1 to R3	: Mr.M.Sarangan, Additional Government Pleader
For R4	: Mr.V.Nirmal Kumar, Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

The eviction notice dated 23.12.2022 issued by the 4th respondent, directing the petitioner to remove the encroachment made in Survey No.382/6, Udangudi Village, Tiruchendur Taluk, Thoothukudi District, is under challenge in this Writ Petition.

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2.Mr.M.Sarangan, learned Additional Government Pleader takes notice for the respondents 1 to 3 and Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the 4th respondent. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 5th respondent is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.According to the petitioner, the land in question belongs to him and patta has also been issued in favour of the petitioner.

5.The learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the land in Survey No.382/6 has been sub-divided into Survey Nos.382/6A, 382/6B, 382/6C and 382/6D and joint pattas have also been issued. He further submitted that at the time of layout, a portion of the lands in Survey Nos.382/6, 382/7 and 382/8 has been



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earmarked for road to an extent of 18.3 sq.ft and the same has also been registered vide Document No.627/2008 on 01.08.2008 on the file of the Sub-Registrar Office, Udangudi. Therefore, based on the aforesaid gift deed dated 01.08.2008, the 4th respondent has issued the impugned eviction notice for removal of the encroachment.

6.In the light of the aforesaid submission, we are of the view that after conducting necessary survey in the lands in question, the impugned eviction notice has been issued by the 4th respondent. Therefore, we are not inclined to interfere with the impugned eviction notice dated 23.12.2022. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
12.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR

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R.VIJAYAKUMAR, J.

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