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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2741 of 2023
and
W.M.P.(MD)Nos.2497 & 2500 of 2023

Arul Gnanadurai ... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Thasildar,
Sathangulam Taluk,
Thoothukudi District.

3.The Divisional Engineer,
High Ways, (Construction and Maintenance)
No.4/1A, Ettayapuram Road,
Sundaravelpuram West,
KTC Nagar, Thoothukudi – 628 001.

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4.The Assistant Divisional Engineer,
High Ways, (Construction and Maintenance)
No.4, Velan Puthukulam Road,
Sathankulam,
Thoothukudi District – 628 704. ... 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 Ka.No.Encroachment/2022/K, dated 09.11.2022 and quash the same as illegal, malicious and arbitrary.

For Petitioner : Mr.R.Balakrishnan

For Respondents : Mr.M.Sarangan,
Addl. Govt. Pleader

O R D E R

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

Challenging the impugned eviction order passed by the 4th respondent in Ka.No.Encroachment/2022/K, dated 09.11.2022, the petitioner has filed this Writ Petition.

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2. The petitioner claims that he is the owner of the property in S.No. 432/70, Pudhukulam Village, Sathankulam Taluk, Thoothukudi District, through the settlement deed executed by his father on 20.02.2022 and patta was also transferred in his name. While so, the 4th respondent, without conducting proper survey, issued the impugned eviction notice. Hence, the petitioner has filed this Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents, on instructions, submitted that the respondents have already conducted survey in the property comprised in S.No.430, which belongs to the Highways Department and since, there is some encroachment, necessary steps have been taken for removal of encroachment. He further submitted that the respondents will not interfere with the possession of the petitioner in S.No. 432/7.

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4. The learned counsel for the petitioner submitted that the respondents may be directed to conduct a proper survey and fix the boundary in the property in question.

5. In view of the aforesaid submissions, this Court directs the respondents to conduct a survey and fix the boundary in S.No.430. If there is any encroachment in the property in question, thereafter, the respondents shall take necessary action for removal of encroachment, after giving opportunity to the parties concerned and by following due process of law.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.] [L.V.G., J.]
10.02.2023

NCC : Yes / No
Index : Yes / No
vsm

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and
L.VICTORIA GOWRI, J.

vsm

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