



W.P(MD)No.1514 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.1514 of 2023
and
W.M.P(MD)No.1380 of 2023**

Pichai

... Petitioner

VS.

1.The District Collector,
Dindigul District,
Dindigul.

2.The Tahsildar,
Natham Taluk,
Dindigul District.

3.The Revenue Inspector,
Sendurai Circle,
Natham Taluk,
Dindigul District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 10.01.2023 on the file of the third respondent and quash the same as illegal and consequently direct the



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second and third respondents to survey the land in S.F.Nos.739/4 and 739/6B of Sethur Village, Natham Taluk, Dindigul District and to take action in accordance with law.

For Petitioner : Mr.N.Anandakumar

For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The prayer in this Writ Petition is seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 dated 10.01.2023 on the file of the third respondent and quash the same as illegal and consequently direct the second and third respondents to survey the land in S.F.Nos.739/4 and 739/6B of Sethur Village, Natham Taluk, Dindigul District and to take action in accordance with law.

2. The learned counsel appearing for the petitioner has categorically stated that the petitioner has constructed a house in the land to an extent of 2 cents in S.F.No.739/6B of Sethur Village and the same is classified as Ryothwari Punjai and the patta stands in the name of one



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Subramaniyan. While so, the third respondent had issued a notice dated 13.01.2023 under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, for having encroached land in S.F.No.739/4 to an extent of 0.02.50 cents, Sethur Village. Challenging the same, the petitioner has filed the present Writ Petition.

3. According to the petitioner, he has not constructed any house or encroached by other means in S.F.No.739/4 of Sethur Village.

4. Mr. M. Sarangan, learned Additional Government Pleader appearing for the respondents has produced the proceedings of the second respondent in Na.Ka.No.42/2023/A3, dated 26.01.2023 and submitted that the property comprised in Survey No.739/4 belongs to the Government and the same is classified as Government poramboke Tharisu and further submitted that the respondents have not taken any action in respect of the property comprised in Survey No.739/6B, which belongs to the petitioner. The Revenue records entry clearly shows that the said survey number belongs to one Subramanian, son of Meiyappan. The learned Additional Government Pleader has also submitted that the said statement may be recorded and the Writ Petition may be disposed of.



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5.The learned counsel appearing for the petitioner submitted that in the interest of the parties concerned, it requires a survey of the property and the petitioner will cooperate with the enquiry. If it is found that there are encroachments, the respondents shall proceed further in accordance with law.

6.Considering the submissions made on either side, we are of the view that no prejudice will be caused to the respondents if the survey is conducted in Survey Nos.739/6B and 739/4.

7.In view of the above, the second respondent is directed to survey the property in Survey Nos.739/6B and 739/4, after issuing notice to the petitioner and all other parties. The petitioner is also directed to cooperate with the survey conducted by the respondents. If it is found that there are encroachments in Survey No.739/4, the authority concerned shall take necessary action for removal of the encroachment, after affording the sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order.



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WEB COPY 8. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
27.01.2023

Index : Yes / No
Internet : Yes
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To

1. The District Collector,
Dindigul District,
Dindigul.
2. The Tahsildar,
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Dindigul District.
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D.KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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DATED : 27.01.2023