



WEB COPY

W.P.(MD)No.4353 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P.(MD)No.4353 of 2023
and
W.M.P.(MD)Nos.4094 and 4095 of 2023**

1.K.Selvam
2.S.Sathiyabama

... Petitioners

-VS-

1.The Tahsildar,
Tirupathur Taluk,
Sivagangai District.

2.The Block Development Officer,
Village Panchayat,
Tirupathur Taluk,
Sivagangai District.

3.The President,
Ranasingapuram Panchayat,
Tirupathur Panchayat Union,
Sivagangai 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 pertaining to the impugned order, dated 16.02.2023 of the third respondent in E.Vu.K.No.001/23, quash the same and consequently, forbear the respondents from disturbing the peaceful possession and enjoyment of the property.



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For Petitioners	: Mr.J.Anandkumar
For R1	: Mr.M.Sarangan Additional Government Pleader
For R2 and R3	: Mr.V.Nirmal Kumar Government Advocate

ORDER

[Order of the Court was made by The Hon'ble The ACTING CHIEF JUSTICE]

Mr.K.Selvam and his wife Mrs.S.Sathiyabama have filed this writ petition challenging the impugned order dated 16.02.2023 of the third respondent in E.Vu.K.No.001/23 with a consequential direction to forbear the respondents from disturbing their peaceful possession and enjoyment of their property in Survey No.106/20.

2. Mr.J.Anandkumar, learned counsel appearing for the petitioners at the outset, submits that the petitioners are neither owners of the land in Survey No.116/12, Ranasingapuram Panchayat, Tirupathur Panchayat Union, Sivagangai District, nor they made any encroachment in the said land, but the third respondent has wrongly chosen to serve notice to the petitioners as though they have encroached upon the land covered in Survey



No.116/12. Learned counsel would also submit that the petitioners have no objection for removal of encroachment, if any, in the land covered in Survey No.116/12.

3. Mr.M.Sarangan, learned Additional Government Pleader takes notice for the first respondent and Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the respondents 2 and 3.

4. Learned Government Advocate appearing for the respondents 2 and 3 submitted that the first petitioner had been imposed with a cost of Rs.10,000/- by this Court in W.P(MD)No. 19415 of 2021 dated 29.10.2021, when he came to this Court challenging a similar notice dated 13.10.2021 issued by the third respondent herein.

5. In reply, learned counsel for the petitioners would submit that this is a case where the petitioners have got no objection for removal of encroachment in Survey No.116/12 since they are in no way connected with the said survey number.



6. Perusal of the patta enclosed by the petitioners in the typedset of papers shows that the first petitioner is a pattadhar of the land covered in Survey No.106/20. Therefore, recording the no objection made by learned counsel for the petitioners for removal of encroachment in Survey No.116/12, we hereby give liberty to the respondents to remove the encroachment only restricted to the land covered in Survey No.116/12 as per the Surveyor's report, forthwith.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

[T.R., A.C.J.] [D.K.K., J.]
02.03.2023
(2/2)

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
bala

To

1.The Tahsildar,
Tirupathur Taluk,
Sivagangai District.

2.The Block Development Officer,
Village Panchayat, Tirupathur Taluk,
Sivagangai District.



W.P.(MD)No.4353 of 2021

3. The President,
Ranasingapuram Panchayat,
Tirupathur Panchayat Union,
Sivagangai District.



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W.P.(MD)No.4353 of 2023:

T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

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ORDER MADE IN
W.P.(MD)No.4353 of 2023
DATED : 02.03.2023
(2/2)