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W.P.(MD)NO.5081 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.06.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.5081 of 2023 AND
W.M.P.(MD)No.4774 of 2023

Renga Konar

... Petitioner

Vs.

1. The Block Development Officer,
Annavaasal Panchayat Board,
Annavaasal Post,
Illuppur Taluk,
Pudukottai District.

2. The Tahsildar,
Illuppur Taluk,
Pudukottai District.

(R-2 is *suo motu* impleaded
vide order dated 27.04.2023)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to call for the records relating to the proceedings in Na.Ka.A2/ 1672/2022 dated 24.02.2023 on the file of the respondent in respect of land in Survey No.230 admeasuring an extent of 0.75.0 Ares situated at Salaikalam, Thirunallur Village, Illuppur



Taluk, Pudukottai District and quash the same as illegal, arbitrary, without jurisdiction and violation of principles of natural justice and consequently restraining the respondent from proceeding with the impugned proceedings as against the petitioner.

For Petitioner : Mr.C.Bharathi

For Respondents : Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel on either side.

2. The petitioner challenges the impugned eviction notice issued by the jurisdictional Block Development Officer. The notice reads that encroachment has been committed in survey No.230.

3. We are satisfied based on the materials available on record that survey No.230 is a water-body(Pappankulam). The petitioner has planted paddy. He states that it may take four more months to harvest the same. The petitioner gives an undertaking before this Court through his counsel that at the end of four months period, he will completely vacate the land



comprised in survey No.230 Salaikalam Village. Since such an undertaking has been given, we are inclined to keep the impugned notice on hold till then. If at the end of four months period, the petitioner does not comply with the order passed by this Court, the respondents may take further action against the petitioner without reference to this Court or without issuance of any further notice to the petitioner.

4. This writ petition stands disposed of accordingly. No costs. Consequently, connected MP. is closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
19th JUNE 2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

To:

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Annavaasal Post,
Illuppur Taluk,
Pudukottai District.
2. The Tahsildar,
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