



W.P. (MD) No. 6069 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

AND

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

W.P.(MD)No.6069 of 2023

Anbalagan

: Petitioner

Vs.

1.The District Collector,
Thanjavur District.

2.The District Revenue Officer,
Thanjavur District.

3.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

4.R.Manivannan

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of certiorarified mandamus thereby call for the records of the 3rd respondent in Na.Ka.No.9447 /2021/ A3 dated 04.01.2023 and quash the same as illegal and in consequence thereof direct the respondents not to disturb the



W.P. (MD) No. 6069 of 2023

petitioner's possession and enjoyment of land measuring about 0.96 ares in S.No.35/2 and 0.36 ares comprised in S.No.35/3 situated in Poiyandarkottai Village, Orathanadu Taluk, Thanjavur District.

For Petitioner : Mr.P.Ganapathi Subramanian
For Respondent : Mr.R.Ravindran,
Nos.1 to 3 Additional Advocate General,
assisted by Mr.K.Balasubramani,
Special Government Pleader
For Respondent : Notice is dispensed with
No.4

ORDER

Heard the learned Counsel for the petitioner and the learned Additional Advocate General for the official respondents. Issuance of notice to the 4th respondent is dispensed with.

2.The 4th respondent herein had filed WP(MD)No.13415 of 2021 and the Division Bench vide order dated 24.11.2022 passed the following order:

“4. In view of the abovesaid submissions, the authorities concerned are directed to consider the representation of the



W.P. (MD) No. 6069 of 2023

petitioner, dated 07.07.2021 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and all other parties, the authorities concerned are directed to take necessary action for removal of encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.”

3. Pursuant to the above direction of the Division Bench, the impugned notice dated 04.1.2023 has been issued and the same is put to challenge in this writ petition.

4. Learned Counsel for the petitioner would state that the Division Bench had passed earlier order at the admission stage without notice to the petitioner and that the 4th respondent herein had indulged in suppression of material facts by not disclosing that the petitioner is having patta in respect of the petition mentioned property.

5. We do not want to go into the said controversy. What is impugned in this writ petition is only a notice. The petitioner can very well appear before the 3rd



W.P. (MD) No. 6069 of 2023

respondent and place all the relevant materials. The petitioner will appear before the 3rd respondent on 30.04.2023 at 3.00pm. The 3rd respondent will intimate the 4th respondent about the said enquiry and on the said day, all the parties will appear and place all the relevant materials. It is for the 3rd respondent to take a call in this matter. We have not gone into the merits of the matter. It is open to the 3rd respondent to pass appropriate order based on the available materials in accordance with law. The writ petition is disposed of. No costs.

[G.R.S.,J.] [B.P.,J.]
20.03.2023

Index : Yes / No
Internet : Yes

dsk

To

- 1.The District Collector,
Thanjavur District.
- 2.The District Revenue Officer,
Thanjavur District.
- 3.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.



WEB COPY



W.P. (MD) No. 6069 of 2023

G.R.SWAMINATHAN, J.

AND

B.PUGALENDHI, J.

dsk

W.P.(MD)No.6069 of 2023

20.03.2023