



W.P(MD)No.7380 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :31.03.2023

CORAM :

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.7380 of 2023
and
WMP(MD)No.6913 of 2023**

Tmt.C.Rasathi

... Petitioner

VS.

**1. The District Collector,
Pudukottai District,
Pudukottai.**

**2. The District Revenue Officer,
Pudukottai,
Pudukottai District.**

**3. The Revenue District Officer,
Aranthangi,
Pudukkottai District.**

**4. The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.**

**5. The Block Development Officer,
Aranthangi Panchayat Union,
Pudukkottai District.**

6. Thiru.Periyaiah

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorari, calling for the records relating to the impugned proceedings in Muu.Mu. 5556/2022(A3), dated 14.03.2023 issued by the 3rd respondent in so far as S.No.100/42, measuring 0.01.0 Ares, situated at Mookudi Village, Aranthangi Taluk, Pudukottai District and quash the same as illegal.

For Petitioner	: Mr.A.L.Kannan for Mr.V.Uthayakumar
For R1 to R4	: Mr.S.P.Maharajan Special Government Pleader
For R5	: Mr.A.Baskaran Additional Government Pleader

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

Challenge in the writ petition is to the order cancelling the assignment granted to the writ petitioner. That order is an appealable order.

2. Mr.Kannan, learned counsel appearing for the petitioner would, however, submit that in view of the directions contained in the order impugned, the Tahsildar, Aranthangi, is attempting to evict the petitioner.



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3. Upon cancellation of the assignment, the occupation of the petitioner becomes an encroachment. An encroacher can be evicted only by following the due process of law. Therefore, the Tahsildar, Aranthangi, is directed to follow the procedure prescribed under the Tamil Nadu Land Encroachment Act, 1905, while attempting to evict the petitioner from the land that is in his occupation. If such action is taken, it is open to the petitioner to challenge the same in the manner known to law.

4. Hence, this Writ Petition is dismissed with liberty to the petitioner to move the appellate authority challenging the order of cancellation of assignment. The original impugned order is directed to be returned to the counsel for the petitioner after getting attesting copies of same. It is open to the petitioner to seek appropriate interim orders before the appellate authority. No costs. Connected miscellaneous petition is closed.

(R.SUBRAMANIAN, J.) & (L.VICTORIA GOWRI, J.)

Index : Yes / No

31.03.2023

Internet : Yes

Neutral Citation : Yes / No

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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
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