



W.P.(MD) No.11289 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.11289 of 2023

and

W.M.P.(MD) Nos.9855, 9856 and 9857 of 2023

Ramakrishna Landa Pomma Kathiralahu,
Samanayakkar @ Duraisamy

... Petitioner

-VS-

1.The District Collector,
O/o. District Collector,
Dindigul District.

2.The Tahsildar,
O/o. The Tahsildar,
Vedasanthur Taluk,
Dindigul District.

3.The Block Development Officer,
O/o. Block Development Office,
Vedasanthur Union,
Vedasanthur Taluk,
Dindigul District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari to call for the records pertaining to the prior dated impugned order passed by the third respondent in his proceedings in Na.Ka.No.224/2023/A6, dated 20.04.2023, consequently direct the second respondent to conduct the enquiry as per the direction given by this Court in W.P.(MD) No.16649 of 2015 dated 10.11.2022.

For Petitioner : Mr.J.Madhu

For Respondents : Mr.D.Ghandiraj
Special Government Pleader

ORDER

[Order of the Court was made by M.DHANDAPANI, J.]

The prayer in this writ petition is to quash the notice dated 20.04.2023 issued by the third respondent and to direct the second respondent to conduct an enquiry as per the directions issued by this Court *vide* order dated 10.11.2022 in W.P.(MD) No.16649 of 2015.

2. Mr.D.Ghandiraj, learned Special Government Pleader, takes notice for the respondents.



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3. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

4. According to the petitioner, he is in occupation of the property in S.No.884 of Palapatti Village, Vedasanthur Taluk, Dindigul District, measuring an extent of 0.55 Cents, wherein he has put up asbestos sheet to an extent of 0.00.11 sq. meter. According to the petitioner, the said land is classified as “Housing Natham”, but the respondents, without following due process of law, have issued the impugned notice to the petitioner seeking eviction of the encroachment.

5. Learned Special Government Pleader appearing for the respondents, on instructions, submits that the land in issue is classified as “Odai Poramboke” and pursuant to the directions issued by this Court *vide* order dated 10.11.2022 in W.P.(MD) No.16649 of 2015, the respondents have issued the impugned notice. Further, the petitioner has not established that the occupation of the subject land is unobjectionable and without approaching the respondents, he has filed this writ petition. If the petitioner is having any objection to the impugned notice, he can very well approach the respondents



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and submit his objections, which will be considered by the respondents in accordance with law. The respondents are empowered to initiate proceedings either under the Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 or under the Tamil Nadu Land Encroachment Act, 1905. Accordingly, prayed for dismissal of this writ petition.

6. The facts are not in dispute. Earlier, when the request of S.Karuppasamy and K.Poomani, residents of Palapatti Village, for removal of encroachment made by the petitioner herein in the subject, land was rejected by the Tahsildar, Vedasanthur Taluk, on account of pendency of O.S.No.213 of 2014 on the file of the District Munsif Court, Vedasanthur, they approached this Court by filing a writ petition in W.P.(MD) No.16649 of 2015, wherein this Court, by order dated 10.11.2022, found that the land in issue in S.No.884 is not the subject matter of the suit in O.S.No.213 of 2014 and therefore, this Court remitted the matter back to the file of the Tahsildar, Vedasanthur, for fresh consideration and directed the Tahsildar to conduct an enquiry into the matter. Pursuant to the said order, the impugned notice has been passed by the third respondent. The petitioner challenges the impugned notice only on the ground of classification of the land. Though the petitioner claims that the land in question is a “Natham” land, according to the respondents, it is an



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“Odai Poramboke”. Since the occupation of the petitioner is objected, the respondents are entitled to initiate action in accordance with law. Hence, we are not inclined to entertain this writ petition.

7. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[M.D.I., J.]

[R.V., J.]

04.05.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

krk / abr

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