



W.P.(MD) No.12070 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.05.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.12070 of 2023
and
W.M.P(MD)Nos.10365 & 10366 of 2023**

K.Sangeetha

... Petitioner

Vs.

1.The District Collector,
Dindigul,
Dindigul District.

2.The Tahsildar,
Natham Taluk,
Dindigul District.

3.The Block Development Officer,
Block Development Office,
Natham,
Dindigul District.

4.The President,
Punnapatti Panchayat,
Natham Panchayat Union,
Dindigul District.

... Respondents

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned eviction notice issued under Section 133 of the Tamilnadu Panchayat Act, 1994/ Tamilnadu Land Encroachment Act, 1905 dated 29.04.2023 on the file of the fourth respondent in so far as petitioner's concerned and quash the same as illegal and consequently issue a direction to forbear the respondents 2 to 4 from dispossessing the petitioner from his dwelling house situated in D.No.4/36b, Veerappanayakkanpatti, Punnapatti Panchayat, Natham Taluk, Dindigul District.

For Petitioner : Mrs.T.Seeni Syed Amma
for M/s.Lajapathi Roy Associates

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

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

Mrs.K.Sangeetha, has filed the present Writ Petition challenging the impugned notice issued under Section 133 of the Tamilnadu Panchayat Act, 1994/Tamilnadu Land Encroachment Act, 1905, dated 29.04.2023 on the file of the fourth respondent and quash the same as illegal with a consequential direction to forbear the respondents

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2 to 4 from dispossessing the petitioner from her dwelling house situated in D.No.4/36b, Veerappanayakkanpatti, Punnapatti Panchayat, Natham Taluk, Dindigul District.

2.Learned counsel appearing for the petitioner submitted that the petitioner and 12 others are residing in the land covered in Survey No.219. On the Western side of Survey No.219, a road has been laid down, which was shown as “Punnapatti to Kattuvelampatti Road”. They are also provided with an electricity service connection, as the said land is an unobjectionable Government poramboke land and the said land is not forming part of “Lakshmana Naicker Kulam”.

3.On an earlier occasion, one V.Lakshmipathiraj, has filed a Writ Petition in W.P(MD)No.12733 of 2021 for removal of the encroachment made by the respondents 7 to 15 with a consequential direction to remove the road laid in the water catchment area of Ayyakattu Kanmai called as Lakshmanayakar Kulam to an extent of land measuring 1 feet 82.00 ares as per the revenue records situated at

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WEB COM Veerappanayakanpatti, Punnapatti, Natham. This Court, by an order, dated 27.07.2021, directed the Tahsildar, Natham, Dindigul District/the sixth respondent therein to remove the encroachment made by the encroachers, namely respondents 7 to 15 therein, by issuing a show cause notice before any action is taken and disposed of the Writ Petition.

4.Learned counsel appearing for the petitioner submitted that the said order cannot come into the way of the petitioner because the said land is an unobjectionable one.

5.At this juncture, the learned Additional Government Pleader appearing for the respondents submitted that as per the revenue records, the land covered in Survey No.219 has been classified as “Kulam”. Secondly, there was a direction issued by this Court in W.P(MD)No.12733 of 2021 that if there is any encroachment made by the encroachers, the same shall be removed, after issuing notice to the encroachers.



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6.Pursuant to the order made in W.P(MD)No.12733 of 2021, notice has been issued to the petitioner and moreover, the land covered in Survey No.219 has also been classified as “Kulam”, we do not find any merit in the Writ Petition.

7.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[T.R., A.C.J.] [L.V.G.,J.]
17.05.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes
ps



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T.RAJA, A.C.J.
and
L.VICTORIA GOWRI, J.

ps

ORDER MADE IN
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