



W.P.(MD) No.12526 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.05.2023

CORAM:

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
and
THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P.(MD) No.12526 of 2023
and
W.M.P.(MD) No.10584 of 2023**

P.Mondi Ammbalam

... Petitioner

-VS-

1.The Tahsildar,
Melur Taluk,
Madurai District.

2.The Revenue Inspector,
Melur Inner Circle,
Melur Taluk,
Madurai District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned notice dated 11.05.2023 issued by the second respondent and quash the same.



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For Petitioner : Mr.K.Mahendran
For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

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

By consent of both counsels, this writ petition is taken up for final disposal.

2. The lands comprised in S.No.185/6A, New T.S.No.11/2, an extent of 0.400.0 sq. meter situated at Ward A, Block-7, D.No.51/35-B, Mandai Street, Mondi Kovil Patti, Melur Taluk, Madurai District originally belonged to one Alagumeenal, who is the petitioner's mother. The petitioner claims that the lands were subsequently released in his favour through a release deed dated 21.08.2019 and necessary changes have also been made in the revenue records evidencing his title of ownership. While that being so, the second respondent herein has now issued a notice under Section 5 of the Tamil Nadu Encroachment Act, 1905 (hereinafter referred to as “the Act”) for the purpose of initiating action under



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Section 6 of the Act. This notice has been sent to the petitioner's mother Alagumeenal, who had expired on 20.05.2010

3. We are unable to comprehend as to how the notice could be served on a dead person particularly when the revenue records have been mutated and the name of the petitioner is reflected therein. Copies of such revenue records have also been produced before this Court. In this background, the impugned notice dated 11.05.2023 issued by the second respondent is quashed and the writ petition is allowed. It would be pertinent to point out that it is always open to the respondents herein to initiate any action under the Tamil Nadu Encroachment Act, 1905 against the relevant persons in whose name the subject properties stand. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J.] [P.T.A., J.]
24.05.2023

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

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M.S.RAMESH, J.
and
P.T.ASHA, J.

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To

- 1.The Tahsildar,
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Madurai District.
- 2.The Revenue Inspector,
Melur Inner Circle,
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