



W.P.(MD)No.12620 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
AND
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.(MD)No.12620 of 2023
and
W.M.P(MD)Nos.10657 and 14972 of 2023

N.Sakthivel

: Petitioner

Vs.

1.The Executive Engineer,
Tamil Nadu Urban Habitat Development Board,
Madurai Circle,
No.169, K.K.Nagar Main Road,
Madurai-625 020.

2.R.Jothi

: Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned eviction order passed by the first respondent in Na.Ka.No.484/A5/2023, dated 08.05.2023 and quash the same.



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For Petitioner : Mr.C.K.M.Appaji
For R1 : Ms.S.Latha
For R2 : Mr.K.Navaneetha Raja

ORDER

(order of the Court was made by S.S.Sundar, J.)

This Writ Petition is filed challenging the impugned eviction order passed by the first respondent in Na.Ka.No.484/A5/2023, dated 08.05.2023

2. Heard Mr.C.K.M.Appaji, learned counsel appearing on behalf of the petitioner, Ms.S.Latha, learned counsel appearing on behalf of the first respondent and Mr.K.Navaneetha Raja, learned counsel appearing on behalf of the second respondent.

3. This Court specifically put a question whether the property was surveyed and measurement was taken before reporting that the



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petitioner in this writ petition, has encroached by putting up some construction in the public pathway. Though a report is relied upon by the respondents, it is not established that the survey was conducted after issuing notice to the petitioner and measurement was taken in his presence.

4. In the said circumstances, the first respondent is directed to conduct a survey by inviting the Tahsildar and the Surveyor. The Tahsildar concerned, on the application filed by the first respondent, is directed to issue notice to the petitioner as well as the first respondent. The Tahsildar shall draw a report and give a copy of the report to the petitioner as well as the first respondent reflecting the result of the survey. The Tahsildar shall specify the boundaries with reference to the revenue documents and give his findings. In case, the Tahsildar ultimately find that the petitioner is in encroachment by putting up any construction, it is open to the Estate Officer to proceed further under the provisions of the Tamil Nadu Public Premises (Eviction of Unauthorized Occupants) Act, 1975 to remove



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the encroachment by the petitioner.

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5. With the above directions, the Writ Petition is disposed of.

No costs. Consequently, connected miscellaneous petition are closed.

[S.S.S.R., J.] [D.B.C., J.]

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

The Executive Engineer,
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