



W.P.(MD).No.12682 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.05.2023

CORAM:

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

**W.P.(MD) No.12682 of 2023
and
W.M.P. (MD) No.10701 of 2023**

Katchammal

... Petitioner

Vs.

- 1.The District Collector,
Collector Office,
Madurai & District.
- 2.The Revenue Divisional Officer,
Madurai East Taluk,
Madurai District.
- 3.The Tahsildar,
Taluk Office,
Madurai East Taluk,
Madurai District.
- 4.The Block Development Officer,
Madurai East Union,
Madurai District.
- 5.The President,
Village Panchayath,
Ilangiyenthal Panchayath (Chithakkur),
Puduthamaramipatti Post,
Madurai District.

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned eviction notice by the 5th respondent in notice dated Nil.05.2023 and quash the same and consequently to forbear the respondents from interfering with the peaceful possession and enjoyment of the house of the petitioner situated in S.No.35/4 in Patta No.5 Sithakkoor Village, Ilangiyenthal Village Panchayath, Madurai East Taluk, Madurai District.

For Petitioner : Mr.R.Jegadeeswaran

For Respondents : Mr.M.Siddharthan

Additional Government Pleder

ORDER

(Order of the Court was made by M.S.RAMESH.J.,)

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. This Writ Petition has been filed challenging the eviction notice issued by the 5th respondent in notice dated Nil.05.2023 and to forbear the respondents from interfering with the peaceful possession and enjoyment of the house of the petitioner situated in S.No.35/4 in Patta No.5 Sithakkoor Village, Ilangiyenthal Village Panchayath, Madurai East Taluk, Madurai District.



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3. The learned counsel for the petitioner would submit that the petitioner holds right over the property comprised in S.No.35/4, Sithakkoor Village, Ilangiyenthal Village Panchath, Madurai East Taluk, and there is no encroachment as alleged by the respondents.

4. The learned Additional Government Pleader appearing for the respondents by placing reliance on the impugned order would submit that the petitioner has put a staircase adjoining his property, which is an encroachment in S.No.35/1.

5. In view of the submissions made on either side, we direct the respondents to conduct survey and demarcate the petitioner's property in S.No. 35/4. If any encroachment by the petitioner is found in any other survey number, including S.No.35/1, the same shall be removed in accordance with law.

6. In view of the above, no interference with the impugned order is required. Hence, the Writ Petition is closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

**[M.S.R.J.] [P.T.A.J.,]
25.05.2023**

NCC : Yes/No
Index : Yes/No
SJ



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

SJ

To

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