



W.P.(MD) No.14048 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.14048 of 2023
and
W.M.P.(MD) No.11884 of 2023**

R.Paulraj

... Petitioner

-VS-

- 1.The District Collector
Collectorate, Tenkasi
- 2.The Assistant Director
O/o.Assistant Director
Collectorate, Tirunelveli
- 3.The Revenue Divisional Officer
O/o.RDO, Tenkasi
- 4.The Tashildar
Taluk Office
Thiruvengadam Taluk
Tenkasi District
- 5.The Executive Officer
O/o.Municipality
Thiruvengadam Taluk
Tenkasi District



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6.The Village Administrative Officer
Thiruvengadam Taluk
Tenkasi District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertain to the impugned Memo in Na.Ka.No.138/2023, issued by the fifth respondent, dated 08.06.2023 and set aside the same as illegal and further direct the fifth respondent to pass order in accordance with law after considering the reply and documents which would show the title of the petitioner over the property.

For Petitioner : Mr.V.Rajiv Rufus

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4 & R6
Mr.P.Thilakkumar
Government Pleader for R5

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 to 4 & 6 and Mr.P.Thilakkumar, learned Government Pleader, takes notice for the fifth respondent.



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

3. Challenge in this writ petition is to the eviction notice issued by the Executive Officer of Thiruvengadam Town Panchayat, under Section 182 of the Tamil Nadu District Municipalities Act, 1920, claiming that the petitioner has encroached upon the pathway in Survey No.1468/1.

4. Mr.S.T.Madasamy, Bill Collector of Thiruvengadam Town Panchayat, is present in Court to instruct the learned Government Pleader. He has produced a copy of A-Register with reference to the Survey No.1468/7 & 8 and the sketch of the Survey No.1468.

5. A perusal of the sketch shows that the encroachment is in Survey No.1468/7. But, the eviction notice relates to Survey No.1468/1. It is, therefore, clear that the impugned eviction notice cannot be sustained, since the Survey No.1468/1 is not classified as pathway or road.



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6. Accordingly, the writ petition is allowed and the impugned notice dated 08.06.2023, issued by the fifth respondent, is quashed. It is open to the Authority concerned to pass orders afresh in accordance with law with correct survey number. Needless to say that an opportunity will be given to the petitioner to file his objections. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

15.06.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

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Collectorate, Tirunelveli.
- 3.The Revenue Divisional Officer,
O/o.RDO,
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- 4.The Tashildar,
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- 5.The Executive Officer,
O/o.Municipality,
Thiruvengadam Taluk,
Tenkasi District.
- 6.The Village Administrative Officer,
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