



W.P.(MD) No.14071 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.14071 of 2023

and

W.M.P.(MD) Nos.11921, 11923 & 11924 of 2023

A.Rajesh Rajan

... Petitioner

-VS-

1.The Block Development Officer
Kalakad Panchayat Union
Tirunelveli District

2.The Tahsildar
Nanguneri Taluk
Tirunelveli District

3.The President
Puliyoorkurichi Village Panchayat
Kalakadu Panchayat Union
Tirunelveli District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned order of the third respondent dated 22.05.2023 and quash the same as illegal and consequently forbear the respondents from interfering with the peaceful possession and enjoyment of the petitioner over his patta land comprised in Survey No.56/12, Puliyurkurichi Village, Nanguneri Taluk, Tirunelveli District, except under due process of law.

For Petitioner : Mr.R.Ponkarthikeyan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R3
Mr.A.Baskaran
Additional Government Pleader for R2

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 & 3 and Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the second 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. A notice issued by the President of Puliyoorkurichi Village Panchayat, requiring the petitioner to remove the alleged encroachment made by him in a land that is classified as “Street”, without mentioning even the survey number, is under challenge in this writ petition.

4. The impugned notice refers two proceedings. One is said to be the proceedings of the Tahsildar, the date of which is not disclosed and the other one is a notice issued by the Panchayat President herself on 19.04.2023.

5. A perusal of the notice, dated 19.04.2023, issued by the Panchayat President, shows that the encroachment alleged is in Survey No. 57/1B2M. We will have to, therefore, necessarily presume that the impugned notice also relates to the same land in Survey No.57/1B2M. The petitioner has produced the revenue records relating to that property. Patta for an extent of 2.50 Ares in the said survey number has been issued to one Yesudasan, son of Arulappan. The Village A-Register, which has also been produced, shows that the land in question is described as Ryotwari Punjai



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belonging to one Yesudasan. These records clearly show that the land in question is not a Street as claimed by the Panchayat President. Hence, the impugned notice calls for interference at our hands.

6. Accordingly, the writ petition is allowed and the impugned notice, dated 22.05.2023, issued by the third respondent, is quashed. No costs. Consequently, connected miscellaneous petitions are 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:

- 1.The Block Development Officer,
Kalakad Panchayat Union,
Tirunelveli District.
- 2.The Tahsildar,
Nanguneri Taluk,
Tirunelveli District.
- 3.The President,
Puliyoorkurichi Village Panchayat,
Kalakadu Panchayat Union,
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