



W.P.(MD)No.19844 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.19844 of 2023

and

W.M.P(MD)No.16370 of 2023

Thangaraj

... Petitioner

Vs.

1.The District Collector,
Dindigul District.

2.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.

3.The Block Development Officer,
Thoppampatti Union Panchayat,
Dindigul District.

4.The President,
Poduvarpatti Panchayat,
Oddanchatram Taluk,
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to
issue a Writ of Certiorari, to call for the records pertaining to the order of



W.P.(MD)No.19844 of 2023

the fourth respondent passed an impugned notice dated 02.08.2023 and quash the same as illegal.

For Petitioner	:Mr.D.Venkatesh
For R-1 & R-2	:Mr.D.Sachi Kumar Additional Government Pleader
For R3 & R4	:Mr.J.K.Jayaseelan Government Advocate

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This writ petition is filed for an issuance of writ of certiorarified mandamus to quash the impugned order passed by the President of Poduvarpatti Panchayat directing the petitioner to remove the encroachment.

2. The case of the petitioner is that on 25.11.2022 the petitioner's son purchased a property in Natham Survey No.209 with an extent of 1095 sq.ft at Poduvarpatti Village, Oddanchatram Taluk and the said property was classified as Natham for time memorial, it was in possession of the vendor of the son and it cannot be treated as property of



W.P.(MD)No.19844 of 2023

WEB COPY

local body. It is further stated that the local body is also collecting the property tax from the petitioner.

3. From the facts there can be gathered from the impugned order it is seen that the property in Survey No.517/1 is classified as Natham and that there is a tiled house, which was in occupation of the vendor of the petitioner's son by name Kalimuthu. It is not known how the possession and enjoyment of the petitioner is referred to an encroachment. The law is settled that the property is classified as Natham, which is in the enjoyment of the individual for residential purpose did not vest with the Government or local body or any legislation.

3. The learned Additional Government Pleader is unable to produce any record to show the prima facie title or right in favour of the local body.

4. In these circumstances the impugned order is wholly without jurisdiction. Therefore, this Court finds that the impugned order is liable



W.P.(MD)No.19844 of 2023

to be quashed. Accordingly, the writ petition is allowed and the impugned order, dated 02.08.2023 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
16.08.2023

Index : Yes / No
NCC : Yes/No

am

To

- 1.The District Collector,
Dindigul District.
- 2.The Tahsildar,
Oddanchatram Taluk,
Dindigul District.
- 3.The Block Development Officer,
Thoppampatti Union Panchayat,
Dindigul District.
- 4.The President,
Poduvarpatti Panchayat,
Oddanchatram Taluk,
Dindigul District.



WEB COPY



W.P.(MD)No.19844 of 2023

S.S.SUNDAR, J.

and

D.BHARATHA CHAKRAVARTHY, J.

am

W.P(MD)No.19844 of 2023

16.08.2023