



W.P(MD)No.31089 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.12.2023

CORAM:

**THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN
AND
THE HONOURABLE MR.JUSTICE P.B.BALAJI**

W.P(MD)No.31089 of 2023

and

W.M.P(MD)No.26645 of 2023

Muthukaruppan

...Petitioner

.vs.

1.The Tahsildar,
Gujiliamparai Taluk,
Dindigul District.

2.The President,
Nochipatti,
T.Kudalur Village,
Gujiliamparai Taluk,
Dindigul District.

...Respondent

PRAYER: Writ Petition filed under Article 266 of the Constitution of India, Writ of Certiorari calling for the records pertaining to the impugned notice issued by the second respondent dated Nil.

For Petitioner

:Mr.S.Sarvagan Prabhu

For R1

:Mr.T.Amjat Khan

Government Advocate

For R2

:Mr.S.Kameswaran

Government Advocate



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ORDER

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[Order of the Court was made by **RMT.TEEKAA RAMAN.,J.**]

The petitioner has filed the present writ petition seeking to quash the impugned notice issued by the second respondent / The President, Nochipatti Village.

2. The grievance of the writ petitioner is that he has been issued with Grama Natham Patta and he is in absolute possession and enjoyment of the said property. The said patta has been issued by the Tahsildar concerned, however, in and by an un-dated notice, the second respondent has called upon the petitioner to stop further constructions in the property and warned the writ petitioner that further action would be taken if the writ petitioner continues the construction.

3. The learned Government Advocate appearing for the first respondent submitted that the Tahsildar is the competent authority to take action and the impugned communication issued by the second respondent may be treated as report on which the first respondent would take action in accordance with law.



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4. According to the writ petitioner, it is a Grama Natham. The patta was in his favour. According to the first respondent, the petition mentioned property is the Government Poramboke and the petitioner has encroached the Government Poramboke and constructed the building.

5. Since it is the factual position, we have not interfered with, however, he has to follow the procedure for removal of encroachment.

6. The writ petition is ordered accordingly with liberty to the first respondent to take action in accordance with law after hearing the writ petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
am

[T.K.R.,J.] [P.B.B.,J.]
22.12.2023



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RMT.TEEKAA RAMAN,J.
AND
P.B.BALAJI,J.

am

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