



W.P.(MD) No.416 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.416 of 2024

and

W.M.P.(MD)No.449 of 2024

R.Chinnadurai

... Petitioner

-Vs-

1.The District Collector,
Collectorate, Pudukkottai District.

2.The Tahsildar,
Gandharvakkottai Taluk Office,
Pudukkottai District.

3.The Block Development Officer,
Gandharvakkottai Panchayat Union,
Gandharvakkottai & Taluk,
Pudukkottai District.

4.The President,
Gandharvakkottai Village Panchayat,
Gandharvakkottai & Taluk,
Pudukkottai District.

5.M.Rajaraaman ... Respondents
(R5 is impleaded vide Court order dated 26.02.2024 in WMP(MD)No.3946 of 2024)



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records pertaining to the proceedings in Na.Ka.No.T3/3394/2023, dated 16.12.2023 issued by the 3rd respondent (Block Development Officer, Gandharvakkottai), insofar as the petitioner's concerned and quash the same.

For Petitioner : Mr.R.Paranjothi
for M/s.KBS Law Office
For R1 & R2 : Mr.V.Nirmal Kumar,
Government Advocate
For R3 & R4 : Mr.S.P.Maharajan,
Special Government Pleader
For R5 : Mr.I.Robert Chandra Kumar

ORDER

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The notice dated 16.12.2023 issued by the 3rd respondent, directing the petitioner to demolish the unauthorized construction made in Natham Poramboke land in Survey No.445/18, situated at Kovilur Village, Gandharvakkottai Taluk, Pudukkottai District, is under challenge in this Writ Petition.

2.According to the petitioner, the land in question belongs to the petitioner and under Natham Settlement Scheme, it was wrongly classified as



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Natham Poramboke land. Therefore, the order passed by the 3rd respondent is *per se* illegal and the same is liable to be quashed.

3.The learned Government Advocate appearing for the respondents 1 and 2 has vehemently contended that if the petitioner claims that the land in question belongs to him and it was wrongly classified as Natham, he ought to have approached the authority concerned for re-classification of the land. According to the learned Government Advocate, so far the petitioner has not approached the Revenue Divisional Officer concerned, seeking reclassification of the land in question.

4.At this juncture, the learned counsel appearing for the 5th respondent relied upon the order of this Court dated 16.10.2023 made in W.P.(MD)No.24970 of 2023, wherein this Court passed the following order:-

“7.In view of the facts and circumstances, the respondents 1 to 3 are directed to conduct a field inspection with reference to the revenue records and ascertain the illegal construction, if any put up by the respondents 5 to 7 and thereafter, initiate all appropriate actions by affording an opportunity to the petitioner as well as the respondents 5 to 7 for demolition of unauthorized construction or to evict the



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encroachers from the Natham land or otherwise. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.”

5. On perusal of the said order, it is seen that this Court directed the respondents 1 to 3, to initiate appropriate actions after conducting a field inspection with reference to the revenue records and after affording an opportunity to the petitioner as well as the respondents 5 to 7. However, the 3rd respondent, without providing any opportunity to the petitioner, who is the 6th respondent in the said Writ Petition, passed the present impugned order, which is violation of principles of natural justice. Therefore, on this ground, the impugned order dated 16.12.2023 passed by the 3rd respondent, is liable to be quashed, accordingly, it is quashed.

6. In view of the above, this Writ Petition is allowed with a direction to the respondents 1 to 3 to initiate all further proceedings, after providing opportunity to the petitioner as well as the 5th respondent and complete the same as early as possible, preferably, within a period of twelve (12) weeks from the date of receipt of a copy of this order. We make it clear that if any construction is carried out by the petitioner in the land in question, the petitioner should not claim



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any equity for the said construction. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]

26.02.2024

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

Yuva

To

- 1.The District Collector,
Collectorate, Pudukkottai District.
- 2.The Tahsildar,
Gandharvakkottai Taluk Office,
Pudukkottai District.
- 3.The Block Development Officer,
Gandharvakkottai Panchayat Union,
Gandharvakkottai & Taluk,
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AND

R.VIJAYAKUMAR, J.

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