



W.P.(MD) No.2581 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

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

AND

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

W.P.(MD)No.2581 of 2024

and

W.M.P.(MD)No.2602 of 2024

Packiyaraj @ Pandiyarajan

... Petitioner

-Vs-

- 1.The District Collector,
Virudhunagar District, Virudhunagar.
- 2.The Revenue Divisional Officer,
Sattur, Virudhunagar District.
- 3.The Tahsildar,
Virudhunagar Taluk, Virudhunagar District.
- 4.The Revenue Inspector,
Ondipulinayaickanoor Village Group,
Virudhunagar Taluk, Virudhunagar District.
- 5.The Block Development Officer,
(Village Panchayat),
Virudhunagar Panchayat Union,
Virudhunagar District.

... Respondents



W.P.(MD) No.2581 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned eviction notice dated 23.01.2024 in Na.Ka.P3/3337/2022 on the file of the 5th respondent and quash the same and to direct the 2nd respondent to dispose of the appeal dated 29.12.2023 for issuance of patta in relation to the said Natham land in Survey No.355/22 & 355/27 (Old Survey No.167/2) of Inam Reddiypatti Vilalge Group, Virudhunagar Taluk, Virudhunagar District to an extent of 0.02.00 Ares.

For Petitioner : Mr.R.M.Mahes Kumarvel
For R1 to R4 : Mr.V.Nirmal Kumar,
Government Advocate
For R5 : Mr.S.P.Maharajaran,
Special Government Pleader

ORDER

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

Challenging the eviction notice dated 23.01.2024 issued by the 5th respondent, this Writ Petition is filed with a direction to the 2nd respondent to dispose of the appeal dated 29.12.2023 for issuance of patta in relation to the said Natham land in Survey Nos.355/22 & 355/27 (Old Survey No.167/2) of Inam Reddiypatti Vilalge Group, Virudhunagar Taluk, Virudhunagar District to an extent of 0.02.00 Ares.



W.P.(MD) No.2581 of 2024

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2.The learned counsel appearing for the petitioner submitted that since the petitioner is in possession of the property in question for long time, he has filed an appeal before the 2nd respondent seeking for issuance of patta and the same is pending. However, without considering the same, the 5th respondent has passed the impugned eviction notice. He further submitted that challenging the eviction notice issued by the 3rd respondent dated 22.12.2023, the petitioner has filed an appeal before the 1st respondent on 12.02.2024 under Section 10(a) of the Tamil Nadu Land Encroachment Act, 1905, which has been received on 17.02.2024.

3.The learned Government Advocate appearing for the respondents 1 and 2, on instructions, would submit that the appeal filed by the petitioner is pending before the 1st respondent and the same would be decided on merits and in accordance with law.

4.Considering the aforesaid submissions made by both sides, we are of the view that the impugned order passed by the 5th respondent dated 23.01.2024, is liable to be quashed, accordingly, it is quashed. Hence, this Writ Petition stands allowed. However, it is open to the respondent concerned to issue fresh notice at



W.P.(MD) No.2581 of 2024

later stage if necessary. No costs. Consequently, connected miscellaneous petition is closed.

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

27.02.2024

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

Yuva

To

- 1.The District Collector,
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W.P.(MD) No.2581 of 2024

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AND

R.VIJAYAKUMAR, J.

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W.P.(MD)No.2581 of 2024

27.02.2024