



WP(MD). No.11324 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 22/05/2024

CORAM

THE HON'BLE Ms.JUSTICE R.N.MANJULA

and

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WP(MD). No.11324 of 2024

and

W.M.P(MD)Nos.10066 and 10067 of 2024

Rajappa

... Petitioner

Vs

- 1.The District Collector,
Sivagangai District,
Sivagangai.**
- 2.The District Revenue Officer,
Sivagangai District,
Sivagangai.**
- 3.The Tahsildhar,
Ilayangudi Taluk,
Sivagangai District.**
- 4.The Zonal Deputy Tahsildhar,
Ilayangudi Taluk,
Sivagangai District.**



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5. The Block Development Officer,
Ilayangudi Union,
Sivagangai District.

... Respondents

PRAYER :- Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notice issued by the fourth respondent in RF.XIV.O-1.2, 26, 206-MDU dated 17.05.2024 and quash the same and consequently forbear the respondents from evicting the petitioner from the house situated in No.455/9B & 456/1, Nagarakudi Group Village, Valakkani Village, Ilayangudi, Sivagangai District.

For Petitioner : Mr.K.Navaneetharaja

For Respondents : Mr.A.Kannan,
Additional Government Pleader

ORDER

(Order of the Court was made by R.N.MANJULA, J)

Heard Mr.K.Navaneetharaja, learned counsel for the petitioner and Mr.A.Kannan, learned Additional Government Pleader for the respondents.

2. The petitioner has filed this writ petition challenging the notice dated 17.05.2024 issued by the fourth respondent under Section 7 of the



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Tamil Nadu Land Encroachment Act, 1905, alleging that the petitioner has encroached certain Government lands.

3. However, the learned counsel for the petitioner submitted that there is a confusion found in the UDR survey conducted in the year 1986 and the petitioner had already filed an appeal to correct the survey numbers by re-doing the survey. However, the said appeal is still pending with the second respondent in B4/46361/2023.

4. It appears that the impugned notice dated 17.05.2024 has been issued only based on the UDR survey, in which, Survey No.456/1 is classified as 'Sarkaar Poramboke Veedhi'. Since the very submission of the petitioner is that there is some mistake in the categorisation of the Survey Number in the UDR, such exercise ought to have been completed before issuing the impugned notice.

5. In view of the above, the petitioner is at liberty to submit his explanation before the first respondent – District Collector on or before 30.05.2024. On receipt of such explanation from the



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petitioner, the District Collector shall consider the same and pass appropriate orders in accordance with law, after providing opportunity to all the parties concerned.

6. With the above direction, this writ petition is **disposed of.**

No costs. Consequently connected Miscellaneous Petitions are closed.

(R.N.M, J.) (C.K.,J.)
22.05.2024

NCC : Yes/No
Index : Yes/No

PM



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AND

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