



W.P.(MD) No.17781 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.07.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.P.(MD)No.17781 of 2024

and

W.M.P.(MD)Nos.15255 & 15257 of 2024

Rajalakshmi

... Petitioner

-Vs-

1.The District Collector,  
Dindigul District.

2.The Revenue Divisional Officer,  
Dindigul District.

3.The Tahsildar,  
Palani Taluk, Dindigul District.

4.The President,  
Thoppampatti Village Panchayat,  
Palani Taluk, Dindigul District.

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice of the 4<sup>th</sup> respondent dated 25.07.2024 and quash the same as illegal, consequently, to direct the respondents not to proceed further for removal



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of encroachment in Survey No.823 / 11 till the disposal of the petition in Na.Ka.No.6292/2024/A1, dated 23.07.2024 pending before the 2<sup>nd</sup> respondent.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.S.Shaji Bino,

Special Government Pleader

### **ORDER**

**[Order of the Court was made by *R.SURESH KUMAR, J.*]**

The 4<sup>th</sup> respondent has given a notice dated 25.07.2024 to the petitioner to remove the encroachment in S.No.823/11, which is under challenge in this Writ Petition.

2.Heard the learned counsel appearing for the petitioner, who would submit that S.No.823/11 is patta land of the petitioner. Adjacent to S.No.823/11, there is a road and on the other side of the road, S.No.823/20 is located, which belongs to a 3<sup>rd</sup> party, who, in fact, encroached upon the major portion of the road and in order to conceal such an encroachment, the third party has claimed that as if the petitioner has encroached the road portion, which has been wrongly misunderstood by the 4<sup>th</sup> respondent, which only triggered him to issue the notice, which is impugned herein.



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3.The learned Special Government Pleader appearing for the respondents would submit that if that is the case of the petitioner that insofar as S.No.823/11 is concerned, it belongs to him and he has not encroached upon any portion of the road, if he makes an application to the revenue authority to survey the land, the land in question would be surveyed, accordingly, four boundaries would be identified and after identification of the four boundaries in S.No.823/11, whether any encroachment has been made by the petitioner or not would be considered and accordingly, if there has been any encroachment on the part of the petitioner, that would be removed, otherwise, a communication to that effect, after completing the survey, would be made to the petitioner by the 3<sup>rd</sup> respondent with the help of the Taluk Surveyor concerned.

4.Having regard to the said submissions made by the learned counsel for both sides, we are inclined to dispose of this Writ Petition with the following direction:-

“(i) It is open to the petitioner to make an application to the 3<sup>rd</sup> respondent to survey the land in question, within a period of two weeks from the date of receipt of a copy of this order;



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(ii) On receipt of such application, the 3<sup>rd</sup> respondent / Tahsildar with the help of the Taluk Surveyor concerned shall survey the land, after giving notice to the petitioner, the 4<sup>th</sup> respondent as well as any other third party, who is interested over the property in question or the adjacent land owners and after surveying the land, if any encroachment is found on the part of the petitioner, that can be directed to be removed and if there has been no encroachment on the part of the petitioner, insofar as his patta land at S.No.823/11 is concerned, no disturbance can be made on behalf of the 4<sup>th</sup> respondent or by any other authorities;

(iii) Needful as indicated above shall be undertaken by the 3<sup>rd</sup> respondent on receipt of such application as stated supra from the petitioner, within a reasonable time; and

(iv) Till such time, the impugned notice issued by the 4<sup>th</sup> respondent shall be kept in abeyance.”



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5. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[R.S.K., J.] & [G.A.M., J.]  
30.07.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

*Yuva*

To

1. The District Collector,  
Dindigul District.
2. The Revenue Divisional Officer,  
Dindigul District.
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**R.SURESH KUMAR, J.**

**AND**

**G.ARUL MURUGAN, J.**

*Yuva*

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