



W.P.(MD)No.20381 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.20381 of 2024
and
W.M.P.(MD)Nos.17292 & 17294 of 2024

C.Karuppasamy

... Petitioner

Vs.

- 1.The District Collector / Monetary Committee,
Thoothukudi District,
Thoothukudi.
- 2.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.
- 3.The Block Development Officer (Village Panchayat),
Kayathar Panchayat Union,
Kayathar,
Thoothukudi District.
- 4.The President,
Theethampatti Panchayat,
Theethampatti,
Thoothukudi District.

5.S.Ramar

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 4th respondent in connection with the impugned Eviction Notice Issued by him vide his proceedings in Oo.Ni/1/2024 dated 29.07.2024 and quash the same as illegal and arbitrary and consequentially direct the respondents to conduct a survey in accordance with Tamil Nadu Survey and Boundaries Act, 1923 by taking account of the petitioners agriculture land situated in Survey No. 186/1 (Patta No. 1197) of Theethampatti village, Kayathar Taluk, Thoothukudi district and thereafter pass appropriate orders.

For Petitioner :Mr.G.Thalaimutharasu

For Respondents :Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R1 & R2
: Mr.K.Balasubramani
Special Government Pleader
for R3 & R4

ORDER

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents1 & 2 and the learned Special Government Pleader appearing for the respondents 3 & 4.

2. The petitioner challenges the impugned communication dated 29.07.2024 issued by the President of the local body. It is seen that the said notice pertains to survey No.196 of Theethampatti Village. We verified the



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revenue record. It is seen that survey No.196 is classified as “வண்ணான் ஊரணி”. The said “வண்ணான் ஊரணி” cannot be encroached. The petitioner appears to be a patta holder only in respect of Survey No.186/1. The petitioner's apprehension appears to be that in the guise of clearing the encroachment of “வண்ணான் ஊரணி”, his possession in Survey No.186/1 may be affected. At this stage, we need not interfere. This is because, the president of the local body cannot on his own physically remove the encroachment. It is only a demand for compliance. If the petitioner does not comply with the impugned notice, the fourth respondent will have to move the jurisdictional Tahsildar for taking action under the Land Encroachment Act. At that stage, the defences of the petitioner can be considered. We however make it clear that before clearing the encroachment in Survey No.196, proper survey after giving notice to the petitioner shall be undertaken.

3. The Writ Petition is disposed of with the aforesaid observation. No costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
29.08.2024

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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To

- 1.The District Collector / Monetary Committee,
Thoothukudi District,
Thoothukudi.
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