



WEB COPY



W.P.(MD).No.20515 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD)No.20515 of 2024

and

W.M.P.(MD)Nos.17415, 17416, 17418 and 18351 of 2024

Tamil Selvi

... Petitioner

-VS-

1.The Tahsildar,
Office of the Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.

2.T.R.Rajan

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records of the impugned order in Na.Ka.A2/3248/2020 dated 01.08.2024 passed by the 1st respondent and quash the same as illegal.

For Petitioner : Mr.S.Bharathi,
For Mr.C.Arulvadivel Associates

For R-1 : Mr.S.R.A.Ramachandran,
Additional Government Pleader

For R-2 : Mr.N.Anandha Padmanabhan,
For APN Law Associates

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

The prayer in the writ petition reads as follows:

“To issue a Writ of Certiorari, to call for the records of the impugned



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order in Na.Ka.A2/3248/2020 dated 01.08.2024 passed by the 1st

respondent and quash the same as illegal.”

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2. There is a dispute regarding the existence of a detailed cart track in the land belonging to the petitioner. While the petitioner has been favoured with the communication by the Tahsildar to the effect that there is no such detailed cart track in the land belonging to the petitioner on 06.09.2022, the very same office of Tahsildar had now chosen to issue a notice under the Land Encroachment Act, 1905. The complainant, namely, the 2nd respondent has moved this application for vacating the stay granted by us on 30.08.2024.

3. We have heard Mr.S.Bharathi, For Mr.C.Arulvadivel Associates appearing for the petitioner, Mr.S.R.A.Ramachandran, Additional Government Pleader appearing for R-1 and Mr.Anandha Padmanabhan, Senior Counsel for APN Law Associates appearing for R-2.

4. While it is the assertion of the 2nd respondent that a detailed cart track runs through the land in survey No.4/1A belonging to the petitioner, the same is very seriously disputed by the petitioner in the writ petition. The revenue records are not very clear since in some of the sketches produced as extract of field measurement book, the existence of cart track is shown, in others it is not found.



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5. We, therefore, direct the District Revenue Officer, Virudhunagar, to conduct a proper enquiry based on revenue records and ascertain as to the existence or otherwise of the detailed cart track. The District Revenue Officer will issue notice to both the parties before proceeding with the enquiry. If the District Revenue Officer comes to the conclusion that the cart track in fact exists, proceedings under the Land Encroachment Act, 1905, shall be continued. If the decision goes otherwise, the natural consequence would be, the proceedings will be dropped. The District Revenue Officer will conduct an enquiry and conclude the enquiry within a period of three (3) months from the date of receipt of a copy of this order.

6. With the above observations, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]

23.10.2024

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

To
The Tahsildar,
Office of the Tahsildar,
Aruppukottai Taluk,
Virudhunagar District.



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R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Sml

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