



W.P(MD)No.14849 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)No.14849 of 2018
and
W.M.P(MD)No.13392 of 2018**

R.Ganesan

... Petitioner

VS.

1.The Special Officer/Block Development Officer,
Panchayat Union,
Cheranmahadevi,
Tirunelveli District.

2.The Tahsildar,
Cheranmahadevi Taluk,
Cheranmahadevi,
Tirunelveli District.

3.S.Kumar

4.S.Senthil

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned order dated 28.06.2018 passed by the first respondent in proceedings in Na.Ka.No.Aa3/1873/2018, which was served to the petitioner on 05.07.2018 and quash the same and



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consequently forbear the respondents and their subordinates in any manner from disturbing petitioner's peaceful possession and enjoyment of his land in Survey No.260/8, Kooniyur Village, Cheranmahadevi Taluk, Tirunelveli District.

For Petitioner	: Mr.J.Parekhkumar
For Respondent No.1 & 2	: Mr.S.P.Maharajan Special Government Pleader
For Respondent Nos.3 & 4	: Mr.Suresh

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

Prayer in this Writ Petition is to quash the impugned order dated 28.06.2018 passed by the first respondent and consequently, to forbear the respondents and their subordinates in any manner from disturbing petitioner's peaceful possession and enjoyment of his land in Survey No.260/8, Kooniyur Village, Cheranmahadevi Taluk, Tirunelveli District.

2.It is the specific case of the petitioner that the property in question belongs to him and the patta also stands in his name. Without proper verification from the records, the first respondent/the Block Development Officer has issued notice to the petitioner for removal of the



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encroachment in the property in question in Survey No.260/8, Kooniyur Village, Cheranmahadevi Taluk, Tirunelveli District.

3.The learned Special Government Pleader appearing for the respondents 1 and 2 has produced the communication of the second respondent in Na.Ka.No.A6/767/2016, dated 28.06.2018 and submitted that the property in question is in Survey No.260/8 and notice has been served to the petitioner under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. In Survey No.260/8, Kooniyur Village, Cheranmahadevi Taluk, the petitioner, S/o.Ramiah Thondamaan has constructed a house and the petitioner has encroached upon the property in Survey No.187/2, which is a Government Poramboke land and constructed a car shed and a compound wall has been constructed in Survey No.187/3.

4.A careful perusal of the impugned notice issued by the first respondent/the Block Development Officer, it is seen that notice has been issued only in respect of the property in Survey No.260/8 and admittedly, the land belongs to the petitioner and the same is a patta land. In such circumstances, the first respondent has mechanically issued the impugned notice to the petitioner without verifying the records and notice has to be



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5.In fine, the impugned notice, dated 28.06.2018 issued by the first respondent is quashed and the competent authority, namely, the Tahsildar is directed to take necessary action for removal of the encroachment in the property in Survey Nos.187/2 and 187/3, as per the proceedings in Na.Ka.No.A6/767/16, dated 28.06.2018, in accordance with law, after affording due opportunity to the parties concerned.

6.Accordingly, the Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
11.03.2024

NCC : Yes / No
Index : Yes / No
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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