



W.P.(MD).No.23157 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.23157 of 2021
and
W.M.P.(MD).Nos.19598 and 19599 of 2021

A.Francis

... Petitioner

Vs.

1.The District Revenue Officer,
Sivagangai.

2.The Tahsildar,
Devakottai Taluk,
Devakottai.

3.The Zonal Deputy Tahsildar,
Devakottai.

4.D.Palraj

... Respondents

(R-4 is impleaded vide Court order dated 11.12.2024 made in W.M.P.(MD).No. 4159 of 2022 in W.P.(MD).No.23157 of 2021)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, calling for entire records relating to impugned eviction notice dated 13.12.2021 issued by the 3rd respondent and quash the same and consequential direct the respondents to conduct proper



W.P.(MD).No.23157 of 2021

survey of lands in Old S.No.40/3, Marani Sarugani Village, Devakottai Taluk, Sivagangai District and issue patta with proper and correct measurements to the petitioner.

For Petitioner : Mr.V.R.Shanmuganathan

For R-1 to R-3 : Mr.J.Ashok

Additional Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

This Writ Petition has been filed challenging the impugned eviction notice dated 13.12.2021 issued by the 3rd respondent and consequently to direct the respondents to conduct proper survey of lands in Old S.No.40/3, Marani Sarugani Village, Devakottai Taluk, Sivagangai District and issue patta with proper and correct measurements to the petitioner.

2. After the third respondent has issued the notice impugned under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, alleging that the petitioner has encroached upon an extent of 0.00.65 sq.m out of 0.5100 sq.m in Survey No.71/4, Marani Sarugani Village, Devakottai Taluk, Sivagangai District, the Revenue Divisional Officer, vide proceedings dated 02.09.2024, has issued patta to the petitioner for the very same survey number and have



W.P.(MD).No.23157 of 2021

re-classified the Survey number as 71/11 for an extent of 0.00.29 sq.m. It is also stated in the said proceedings that patta has been granted for the land, which is the subject matter of the present Writ Petition. As such, the impugned eviction notice cannot be sustained.

3. Accordingly, the Writ Petition stands allowed and the impugned eviction notice dated 13.12.2021 stands quashed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) (A.D.M.C.,J.)
11.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

To

1.The District Revenue Officer,
Sivagangai.

2.The Tahsildar,
Devakottai Taluk,
Devakottai.

3.The Zonal Deputy Tahsildar,
Devakottai.



WEB COPY



W.P.(MD).No.23157 of 2021

M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

Lm

W.P.(MD).No.23157 of 2021

11.12.2024