



W.P.(MD)No.9383 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.04.2025

CORAM:

THE HON'BLE MRS JUSTICE J. NISHA BANU

AND

THE HON'BLE MRS JUSTICE S.SRIMATHY

W.P.(MD)No.9383 of 2025

and

W.M.P.(MD)No.7011 of 2025

R.Chandhira

...Petitioner

-Vs-

1.The District Revenue Officer,
District Revenue Office,
Pudukkottai District.

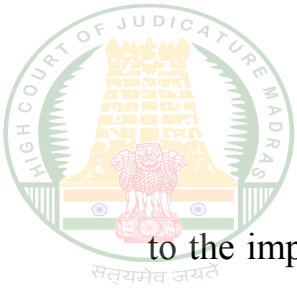
2.The Revenue Divisional Officer,
Revenue Divisional Office,
Illuppur, Pudukkottai District.

3.The Tahsildar,
Kulathoor Taluk Office,
Kulathoor, Pudukkottai District.

4.The Revenue Inspector,
Narathamalai, Kulathoor,
Pudukkottai District.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the records pertaining



W.P.(MD)No.9383 of 2019

to the impugned order issued by the third respondent vide his proceedings dated 17.03.2025 and quash the same as illegal.

For Petitioner : Mr.K.Govindarajan
for Mr.V.Selvakumar
For Respondents : Mr.M.Sarangan
Additional Government Pleader

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

The petitioner has filed this writ petition challenging the eviction order passed by the second respondent.

2.The contention of the petitioner is that she is the owner of the subject property. Initially the patta stood in her name. Later, it was cancelled on the basis of the complaint lodged by some third parties. An appeal was also filed challenging the cancellation of patta and the same is pending. In the meantime, the third respondent without considering the facts and circumstances of the case, has passed the present order directing the petitioner to remove the encroachment even without issuing any prior notice to the petitioner. Hence, the petitioner has filed this writ petition.



W.P.(MD)No.9383 of 2019

3.It is seen from the records that an appeal has been filed by the petitioner against the cancellation of patta and the same is pending. When that being the case, the impugned notice of encroachment issued by the third respondent does not have any bearing on the petitioner until the appeal against the cancellation of patta is decided by the appellate authority. Accordingly, the proceedings impugned in this writ petition is set aside. The appellate authority is directed to dispose of the appeal filed by the petitioner as expeditiously as possible. The respondents shall proceed further on the basis of the outcome of the appeal pending before the appellate authority.

5.With these observations and directions, the Writ Petition stands allowed. No costs. Consequently, connected miscellaneous petition stands closed.

(J.N.B.,J.) (S.S.Y.,J.)
03.04.2025

Index:Yes/No
Internet : Yes/No
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W.P.(MD)No.9383 of 2019

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W.P.(MD)No.9383 of 2019

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