

WP(MD). Nos.7953 to 7956 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 08/04/2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE P.B.BALAJI

W.P.(MD). Nos.7953, 7954, 7955 & 7956 of 2019

K.Subbiah Pandian	...	Petitioner in W.P.(MD) No.7953/2019
K.Shanmugiah	...	Petitioner in W.P.(MD) No.7954/2019
Kavitha	...	Petitioner in W.P.(MD) No.7955/2019
Murugan	...	Petitioner in W.P.(MD) No.7956/2019

Vs

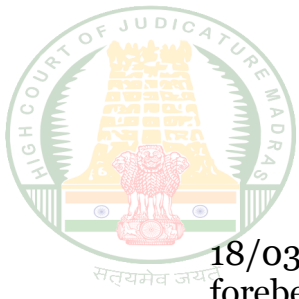
1 The Block Development Officer,
Kadaiyanallur Panchayat Union,
Thenkasi,
Tirunelveli District.

2 Maruthiah

3 The Tahsildhar,
Kadayanallur,
Tirunelveli District.

... Respondents in all W.Ps.

PRAYER :- W.P.(MD) No.7953 of 2019 is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the documents pertaining to the impugned order passed by 1st respondent vide Na.Ka.No.A3/3482/2017, dated



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18/03/2019, and quash the same as erroneous and may consequently forebear the 1st respondent from disturbing petitioner's property situated in Sy.No.658/1 correlated to Old.Sy.No.306/1 of Boganallur village.

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PRAYER :- W.P.(MD) No.7956 of 2019 is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the documents pertaining to the impugned order passed by 1st respondent vide Na.Ka.No.A3/3482/2017, dated 18/03/2019, and quash the same as erroneous and may consequently forebear the 1st respondent from disturbing petitioner's property situated in Sy.No.658/1 correlated to Old.Sy.No.306/1 of Boganallur village.

For Petitioner in all W.Ps.: Mr.K.P.Narayanakumar

For Respondents 1 & 3 in all W.Ps.: Mr.SRA.Ramachandran,
Addl. Govt. Pleader.

For Respondent 2 in all W.Ps.: Mr.N.Mohideen Basha



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COMMON ORDER
(Order of the Court was made by
the Hon'ble The Chief Justice)

Without going into the merits of the matter, we pass the following
order :

- (a) Petitioner shall reply to the impugned notice dated 18th March, 2019 to Respondent No.1 within two weeks from today.
- (b) Respondent No.3 – Tahsildar, we are informed, is the Officer concerned who shall dispose the notice after considering the representation. He shall consider the reply from petitioner and, after giving a personal hearing to petitioner and Respondent No.2, pass a reasoned order.
- (c) If survey is required to be conducted, Respondent No.1 or Respondent No.3, as the case may be, shall cause survey/inspection of the site to be conducted to ascertain whether there is any encroachment, in the presence of petitioner as well as respondent No.2.



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(d) Notice of survey shall be given at least two working days in advance and, if either of the parties is not present at the time of survey, Respondent No.1 or Respondent No.3 may proceed with the survey, in which case they may keep one independent witness also present.

2. Writ Petitions stand disposed of accordingly. No costs. Consequently, the connected W.M.P.(MD) Nos.6291 to 6294 of 2019 are closed.

(K.R.SHRIRAM, C.J.)

(P.B.BALAJI, J.)

08.04.2025

NCC : Yes/No
Index : Yes/No
dixit



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- To
- 1 The Block Development Officer,
Kadaiyanallur Panchayat Union,
Thenkasi,
Tirunelveli District.
 - 2 The Tahsildhar,
Kadayanallur,
Tirunelveli District.



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