



W.P.(MD) No.13872 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.06.2023

CORAM:

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

**W.P.(MD) No.13872 of 2023
and
W.M.P.(MD) No.11707 of 2023**

V.Jayapandi

... Petitioner

-VS-

1. The District Collector,
Thoothukudi District.
2. The Tahsildar,
Tiruchendur Taluk, Thoothukudi District.
3. The Block Development Officer,
Udangudi, Tiruchendur Taluk,
Thoothukudi District.
4. The President,
Manadu Thandapathu Village Panchayat,
Tiruchendur Taluk, Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a



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Writ of Certiorarified Mandamus to call for the records relating to the impugned eviction notice dated 30.05.2023 issued by the 4th respondent herein and quash the same as illegal and consequently direct the respondents 1 to 4 not to take any eviction proceeding based on the petitioners representation dated 09.06.2023.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 and R2

Mr.A.Baskaran
Government Advocate for R3 and R4

ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 and 2 and Mr.A.Baskaran, learned Government Advocate takes notice for respondents 3 and 4.

2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.



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3. The notice issued by the President of Manadu Thandapathu Village on 30.05.2023 is under challenge in this writ petition. The operative portion of the said notice reads as follows:-

“மானாடுதண்டுபத்து ஊராட்சி சிதம்பராபுரம் கிராமம் சர்வே எண் 936/6ல் பொது பாதையினை தாங்கள் ஆக்கிரமிப்பு செய்து பொதுமக்கள் பயன்படுத்த முடியாமல் போக்குவரத்துக்கு இடையூறு செய்து வருகிறீர்கள். எனவே வரும் 14.06.2023க்குள் (15 தினங்களுக்குள்) ஆக்கிரமிப்பினை அகற்றி இதன் மூலம் தெரிவிக்கப்படுகிறது. மேற்படி ஆக்கிரமிப்பு அகற்றப்படாத பட்சத்தில் வருவாய்துறை அதிகாரிகள் மூலம் அகற்றப்படும் என்பதையும் இதன் மூலம் தெரிவித்துக் கொள்ளப்படுகிறது.”

4. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the impugned proceeding is only a notice requiring the petitioner to remove the encroachment and if the petitioner does not remove the encroachment, appropriate proceedings will be taken under the Tamil Nadu Land Encroachment Act, 1905, for removal of encroachment.



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5. Recording the said statement, this writ petition is closed. No costs.

Consequently, the connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

14.06.2023

NCC : No
Index : No
Internet : Yes
PKN



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