



days. Failing compliance, encroachments will be removed in accordance with law. Further it is averred in the petition that the third respondent has not followed the due process of law. Under the said circumstances, the present writ petition has been filed for getting the relief sought therein.

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3.The learned counsel appearing for the petitioner has putforth his contention on the basis of averments made in the writ petition.

4.Mr.R.Velmurugan, learned Government Advocate, has taken notice for the respondents.

5.It is seen from the order dated 14.12.2016 that the concerned Survey No.1513 has been classified as a cart track. The only contention putforth on the side of the petitioner is that with regard to fruit bearing trees, 2-C patta has been issued in favour of the petitioner and even without considering the same and even without issuing prior notice as contemplated under law, the impugned notice dated 14.12.2016 has been issued by the third respondent.

6.Considering the contention putforth on the side of the petitioner and also considering that the order dated 14.12.2016 is not in accordance with the relevant Sections of the Tamil Nadu Land Encroachment Act, 1905, this Court is of the view to quash the same.

7.In fine, this writ petition is allowed without costs and the order dated 14.12.2016 passed by the third respondent is quashed. However the third respondent is directed to take appropriate action with regard to 2-C patta alleged to have been given in favour of the petitioner and also directed to take eviction proceedings in accordance with law. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(crl.side)

/True Copy/

Sub Assistant Registrar

To

1.The District Collector,
Theni District,
Theni.

<https://hcservices.ecourts.gov.in/hcservices/>
2.The District Revenue Officer,
District Collector Office,
Theni, Theni District.



3.The Thasildar,
Taluk Office, Periyakulam,
Theni District.

+1cc to Mr.R.Vijayakumar,Advocate Sr.No.82765

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO.83174

ORDER MADE IN
W.P (MD) No.24673 of 2016
and
W.M.P (MD) No.17789 of 2016
22.12.2016

smn

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