



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P (MD) No.14912 of 2018
and
W.M.P (MD) No.13457 of 2018

Thumbachi @ Karuppaiah

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Trichy.

2.The Tahsildar,
Marungapuri Taluk Office,
At present office is situated at
Kallupatti,
Trichy District.

3.The Revenue Inspector,
Thuvarankurichi,
Marungapuri Taluk,
Trichy District.

4.The Village Administrative Officer,
Thethoor Village,
Marungapuri Taluk,
Trichy District.

5.Ponramu

6.Jeyaraman

7.Karuppaiah

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from in any manner dispossessing the petitioner from his property comprised in Survey Nos.187/1, 190, 191 and 199 situated at Thethoor Village, Marungapuri Taluk, Trichy District, without following due process of law and further direct the first respondent



to suitably instruct the respondents 2 to 4 herein not to lay the pathway/cart track through the above said lands for illegal sand quarrying operations by the respondents 5 to 7.

For Petitioner

: Mr.R.Suresh Kumar

For RR 1 to 4

: Mr.M.Jeyakumar,
Additional Government Pleader.

ORDER

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

The petitioner has filed the writ petition to issue a Writ of Mandamus, forbearing the respondents 1 to 4 from dispossessing the petitioner from his property comprised in Survey Nos.187/1, 190, 191 and 199 situated at Thethoor Village, Marungapuri Taluk, Trichy District, without following due process of law and further direct the first respondent to suitably instruct the respondents 2 to 4 not to lay the pathway/cart track through the above said lands for illegal sand quarrying operations by the respondents 5 to 7.

2.The learned counsel appearing for the petitioner submitted that without issuing any notice to the petitioner, the respondents 1 to 4 are trying to dispossess the petitioner from the lands mentioned above. The learned counsel further submitted that the above referred lands are Government poramboke lands, however, the respondents without giving any opportunity to the petitioner are taking steps to dispossess him. The learned counsel further submitted that the petitioner has given a representation, dated 04.07.2018 to the first respondent, however, the first respondent has not considered the same.

3.Mr.M.Jeyakumar, learned Additional Government Pleader takes notice for the respondents 1 to 4 and submitted that if the authorities come to the conclusion that the petitioner had encroached the lands mentioned above, the authorities may be given liberty to proceed further in the matter, after giving notice to all the interested parties and evict the encroachers from the said lands.

4.Having regard to the submissions made on either side, we direct the respondents 1 to 4 to proceed in the matter, if they find that the petitioner had encroached the lands mentioned above and after giving opportunity to all the interested parties, shall take appropriate action for evicting the encroachers from the Government poramboke land. We also direct the first respondent to consider the petitioner's representation, dated 04.07.2018 and pass orders in accordance with law.

<https://hcservices.ecourts.gov.in/hcservices/>

5.With these observations, the Writ Petition is disposed of.



No costs. Consequently, connected Miscellaneous Petition is closed.
Sd/
Assistant Registrar (CS-III)

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Sub Assistant Registrar

To

1. The District Collector,
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3. The Revenue Inspector,
Thuvarankurichi,
Marungapuri Taluk,
Trichy District.
4. The Village Administrative Officer,
Thethoor Village,
Marungapuri Taluk,
Trichy District.

+1cc to Mr.R.Suresh Kumar, Advocate, SR.No.72171
+1cc to M/s.Special Government Pleader, SR.No.72513

W.P (MD) No.14912 of 2018
11.07.2018

ps

KK/SKN RSK/SAR-4/19.07.2018/3P-7C/