



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2018

CORAM:

WEB COPY

**THE HONOURABLE MR. JUSTICE R. SUBBIAH**  
**AND**  
**THE HONOURABLE MRS. JUSTICE R. THARANI**

W.P. (MD) No. 14036 of 2018

Sarathambal

: Petitioner

**Vs.**

1. The District Collector,  
Pudukottai District,  
Pudukottai.
2. The Commissioner,  
Panchayat Union,  
Thiruvarangulam  
Alangudi Taluk  
Pudukottai District.
3. The Assistant Engineer,  
Public Works Department  
Pudukottai District.
4. Ponrajan
5. Veeramany
6. Thamilarasan

: Respondents

**PRAYER:** Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 1 to 3 to carry out eviction of the encroachment in S.No.2 Aavadanikulam with an extent of 7 acres situate in Senthankudi Village, Alangudi Taluk, Pudukottai District.

For Petitioner : Mr.N.Balakrishnan  
For Respondents : Mr.M.Jeyakumar for R1 to R3  
Additional Government Pleader  
Mr.A.P.Dhas for R5  
No appearance for R4 and R6  
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**ORDER**

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<https://hcservices.ecourts.gov.in/hcservices> [Order of the Court was made by R.SUBBIAH, J]

This Writ Petition has been filed to direct the respondents to



evict the encroachment made in Senthankudi Village, Alangudi Taluk to an extent of 7 acres.

2. It is the case of the petitioner that there is an irrigation tank in the village in S.No.24 over an extent of 7 acres and the respondents 4 to 6 have encroached the Aavadani Kulam in S.No.24 by raising coconut saplings and also engaging in cultivation. It is the further case of the petitioner that the villagers are using the said tank bund as pathway for quite long time. Since the respondents 4 to 6 have encroached, the pathway, which has been used as a pathway by the villagers to reach their respective fields, the same has been obstructed. Since the petitioner is also one among the villagers, he made a representation to the respondents 1 to 3 on 08.01.2018 to take action. Since no action has been taken on the said representation, the petitioner is before this Court with this petition with the aforesaid prayer.

3. When the matter was taken up for hearing, the learned Additional Government Pleader, on instructions, represented that there was no encroachment by the respondents 4 to 6 and one Ramasamy and Thangadurai have encroached the land in question. It is further submitted that already action was initiated by the third respondent by issuing appropriate notice under the provisions of the Tamil Nadu Land Encroachment Act, 1905.

4. In view of the said submission made by the learned Additional Government Pleader, we are of the opinion that the prayer of the petitioner itself is only to direct the respondents to evict the encroachment made in S.No.24, since action was already initiated, there is no need to keep this petition pending any more. Hence, recording the submission made by the learned Additional Government Pleader, this writ petition is disposed of directing the respondents 1 to 3 to proceed further in accordance with law at the earliest. No costs.

Sd/-

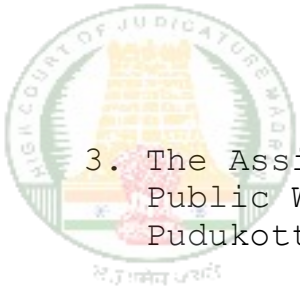
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-I)

**To**

1. The District Collector,  
Pudukottai District, Pudukottai.
2. The Commissioner,  
Panchayat Union,  
Thiruvarangulam,  
Alangudi Taluk,  
Pudukottai District.



3. The Assistant Engineer,  
Public Works Department  
Pudukottai District.

+ 1 CC TO Mr.N.BALAKRISHNAN, ADVOCATE IN SR No. 94812  
+ 1 CC TO Mr.A.P.DHAS, ADVOCATE IN SR No. 95031  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 94969

RR

TE/BK/SAR-1 : 13/12/2018 : 3P/7C

Order made in  
W.P.(MD)No.14036 of 2018  
Dated: 12.11.2018