



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 30.08.2018
CORAM:

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THE HONOURABLE MR. JUSTICE T.RAJA
and
THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

W.P. (MD) Nos.16092 and 17343 of 2018
and
W.M.P. (MD) Nos.14334 and 15248 of 2018

W.P. (MD) No.16092 of 2018

Sekar

... Petitioner

Vs.

1.The District Collector,
Madurai.

2.The Revenue Divisional Officer,
Usilampatty.

3.The Tahsildar,
Thirumangalam Post and Taluk,
Madurai District.

4.Louisraj ... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the third respondent in Na.Ka.No.2784/18/A2, dated 12.06.2018 and quash the same insofar as petitioner is concerned, as arbitrary and illegal.

For Petitioner	: Mr.P.Ganapathisubramanian
For Respondents	: Mr.V.R.Shanmuganathan
1 to 3	Special Government Pleader
For Respondent 4	: Mrs.P.Jessijeeva Priya

W.P. (MD) No.17343 of 2018

Pownthai

... Petitioner

Vs.

1.The District Collector,
Madurai.



2.The Revenue Divisional Officer,
Usilampatty, Madurai District.

3.The Tahsildar,
Thirumangalam Post and Taluk,
Madurai District.

4.Louisraj

... Respondents

PRAYER: The writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records of the third respondent in Na.Ka.No.2784/18/A2, dated 20.06.2018 and quash the same as arbitrary and illegal.

For Petitioner	: Mr.P.Ganapathisubramanian
For Respondents	: Mr.V.R.Shanmuganathan
1 to 3	Special Government Pleader
For Respondent 4	: Mrs.P.Jessijeeva Priya

COMMON ORDER

(Order of the Court was made by T.RAJA, J.)

In view of the fact that the issue involved in both the Writ Petitions are one and the same, both the Writ Petitions are taken up together and disposed of by a common order.

2.The petitioner in the respective Writ Petitions has challenged the impugned notices dated 07.06.2018 and 20.06.2018 issued by the Tahsildar, Thirumangalam Taluk, Madurai District, in and by which the petitioners were asked to remove the encroachment made in Survey No.38/2 situated in Vagaikulam Village, Thirumangalam Taluk, Madurai District.

3.Heard Mr.P.Ganapathisubramanian, learned Counsel appearing for the petitioner, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 to 3 and Mrs.P.Jessijeeva Priya, learned Counsel appearing for the fourth respondent.

4.A perusal of the order dated 12.02.2018 passed by the Hon'ble Division Bench of this Court in W.P.(MD)No.18658 of 2017 shows that Ms.Gurugammal, Mr.Sekar, Ms.Pounthai and Mr.Alagumalai have put up their houses encroaching Odai poramboke in Survey No.38/1 at Vagaikulam Village, Thirumangalam Taluk, Madurai District. This Court in the said order has directed the Tahsildar, Thirumangalam, to proceed further following the provisions of the Tamil Nadu Land Encroachment Act, 1905, for removal of the encroachment as it was confirmed that there was an encroachment made by them, as per the details furnished before this Court. The impugned notices dated 07.06.2018 and 20.06.2018 issued by the



Tahsildar, Thirumangalam Taluk, Madurai District, although indicate Survey No.38/2 instead of Survey No.38/1, we are unable to entertain the Writ Petitions. Accordingly, both the Writ Petitions are dismissed. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

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5.At this stage, the learned Counsel appearing for the petitioners submitted that this Court may direct the respondents to consider the representation of the petitioners for providing alternative land for which the petitioners are ready to give 27 cents of their patta land to the Government.

6.We are not inclined to consider the request made by the learned Counsel appearing for the petitioners for the reason that the petitioners are rank encroachers and therefore, they are not entitled to be considered at all. Moreover, they have put up their houses by encroaching the water body.

Sd/-

Assistant Registrar(crl.side)

/True Copy/

Sub Assistant Registrar(CS-I)

TO

1.The District Collector,
Madurai.

2.The Revenue Divisional Officer,
Usilampatty, Madurai District.

3.The Tahsildar,
Thirumangalam Post and Taluk,
Madurai District.

+2CC TO Mr.P.Ganapathisubramanian, ADVOCATE IN SR.NOs.81929,81930.

+1CC TO Mrs.P.Jessijeeva Priya, ADVOCATE IN SR.NO.81219.

+1CC TO SPECIAL GOVERNMENT PLEADER IN SR.NOs.81906,81469,81470.

SRM

DS RP SAR-1 09.10.2018 3P/8C

W.P. (MD) Nos.16092 and 17343 of 2018
and

W.M.P. (MD) Nos.14334 and 15248 of 2018
30.08.2018