



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P (MD) No.20509 of 2018

Krishnan

... Petitioner

Vs.

1. The State represented by
The District Collector,
Sivagangai District,
Sivagangai.
2. The District Revenue Officer,
Office of the District Revenue Officer,
Sivagangai District, Sivagangai.
3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai District,
Sivagangai.
4. The Tahsildar,
Manamadurai Taluk,
Manamadurai.
5. Udayakumar
6. G.Kannan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus to direct the respondents to consider the petitioner's representation dated 10.07.2018 and direct the respondents to take necessary and appropriate action against the respondents 5 and 6 and to evict the encroachers from the land in S.No.283/7, Pulichikulam Daramasanam Village, Seikulathur Group, Manamadurai Taluk, Sivagangai District.

For Petitioner
For Respondents

: Mr.R.Senthil Kumar
: Mr.A.K.Baskarapandian
Special Government Pleader
for R.1 to R.4

**ORDER****[Order of the Court was made by T.RAJA,J.]**

This writ petition has been filed seeking a writ of Mandamus to direct the respondents 1 to 4 to consider the petitioner's representation dated 10.07.2018 and direct the respondents to take necessary and appropriate action against the respondents 5 and 6 and to evict the encroachers from the land in S.No.283/7, Pulichikulam Daramasanam Village, Seikulathur Group, Manamadurai Taluk, Sivagangai District.

2. Heard the learned Counsel for the parties.

3. Learned Counsel for the petitioner submitted that the petitioner has made a representation dated 10.07.2018 to the respondents 1 to 4, wherein a request has been made for removal of encroachments put up by the respondents 5 and 6. Stating further, the learned Counsel for the petitioner pleaded that the land covered in S.No.283/7 at Pulichikulam, Daramasanam Village, Seikulathur Group, Manamadurai Taluk, Sivagangai District, was originally allotted to Narayanan, son of Sundaravel. Since he has failed to utilise the same, it was cancelled by the Government reclassifying the same as Government land.

4. Interdicting at this stage, learned Special Government Pleader appearing for the respondents 1 to 4 submitted that the assignment was not cancelled on the said ground, but, the said Narayanan - assignee has sold away the said property breaching some of the conditions and hence, the Government passed the cancellation order in proceedings No.Na.Ka.C2/67039/97-1, 2, 3, 4, 5, 6 and 7, dated 30.12.2002 and finally, it has been taken over by the Government and if there is any encroachment made as alleged by the petitioner, the said encroachment will be removed in accordance with law.

5. In view of the above, the fourth respondent - Tahsildar, Manamadurai Taluk, Manamadurai, is directed to consider the petitioner's representation dated 10.07.2018 and do the needful in accordance with law within a period of four weeks from the date of receipt of a copy of this order, after affording an opportunity of personal hearing to all the necessary parties including the respondents 5 and 6.

6. With the above directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)



1. The District Collector,
Sivagangai District,
Sivagangai.

2. The District Revenue Officer,
Office of the District Revenue Officer,
Sivagangai District,
Sivagangai.

3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

4. The Tahsildar,
Manamadurai Taluk,
Manamadurai.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 88699
+ 1 CC TO Mr.R.SENTHILKUMAR, ADVOCATE IN SR No. 88481

RSB

TE/PM/SAR-4 : 29/10/2018 : 3P/7C

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03.10.2018