



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P(MD)No.20934 of 2018

T.Rathinavel

: Petitioner

Vs.

1.The District Collector,
Office of Collectorate, Theni,
Theni District.

2.The District Revenue Officer,
Collector office, Theni,
Theni District.

3.The Block Development Officer,
Village Panchayat,
Andipatty Taluk,
Theni District.

4.The Tahsildar,
Taluk Office,
Andipatty,
Theni District.

5.T.Vadivel

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the third respondent to pass final order by invoking under Section 6 of the 'Tamil Nadu Land Encroachment Act, 1905', in pending proceedings in Na.Ka.No.2392/2015/B5 dated 06.07.2018 and consequently direct the respondents to remove the encroachment made by the fifth respondent in S.Nos.1654 and 1666 which is situated at Sidaiyagoundanpatti village, Andipatty Bit - II village, Theni District within a stipulated time to be fixed by this Court.

For Petitioner

: Mr.J.Senthil Kumaraiah

For R-1, R-2 & R-4

: Mr.A.K.Baskarapandian,
Special Government Pleader

**ORDER****[Order of the Court was made by K.K.SASIDHARAN, J.]**

The petitioner filed this writ petition for a direction to the third respondent to take action against the fifth respondent for removal of encroachment.

2. The learned counsel for the fifth respondent submitted that the fourth respondent has already issued a notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 and the fifth respondent has also submitted his reply. Thereafter, order under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, was not passed.

3. We direct the fourth respondent to proceed further taking into account the response filed by the fifth respondent to the notice issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905. In case, it is found that the fifth respondent is an encroacher and there are other encroachments also, effective steps should be taken by the fourth respondent for removal of all such encroachments, with notice. Such exercise shall be completed within a period of three months from the date of receipt of a copy of this order.

4. It is made clear that pendency of civil proceedings would not stand in the way of the Tahsildar from taking action as the civil Court has no jurisdiction to entertain suits in relation to the proceedings initiated under the Tamil Nadu Land Encroachment Act, 1905.

5. The writ petition is disposed of with the above direction. No Costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1.The District Collector,
Office of Collectorate, Theni,
Theni District.

2.The District Revenue Officer,
Collector office, Theni,
Theni District.

3.The Block Development Officer,
Village Panchayat,
Andipatty Taluk,
Theni District.



4.The Tahsildar,
Taluk Office, Andipatty,
Theni District.

+1CC to Mr.J.Senthil Kumaraiah, Advocate, SR.No.95582

+1CC to Mr.K.GOVINDARAJAN, Advocate, SR.No. 95905

Order made in
W.P (MD) No.20934 of 2018
16.11.2018

PM
ES/PM/SAR 3/19.12.2018/3P/7C