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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.11.2019

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.31842 of 2019

V.P.Easwaramoorthy

...Petitioner

Vs

- 1.The District Collector,
Collectorate,
Erode, Erode District.
- 2.The District Revenue Officer,
Collectorate,
DRO Office, Erode.
- 3.The Revenue Divisional Officer,
Collectorate, RDO Office,
Erode 638 001.
- 4.The Tahsildar,
Taluk Office,
Erode-638 001.
- 5.V.S.Ponnusamy

..... Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the 1st respondent herein to implement the order passed by him vide proceedings dated 14.06.2019 in Na.Ka.No.3203/2017/U1 and directing the 4th respondent to remove the encroachment made in S.No.124/8 Nallanguandanpalayam, Erode Taluk and District, as per the Land Encroachment Act 1905, by considering the letter sent by the Land Administration Department vide Letter No.T2/17850/2019, dated 26.08.2019.

For Petitioner : Mr.M.Guruprasad

For Respondents: Mr.P.S.Sivashanmugasundaram
Special Government Pleader



ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

The learned counsel appearing for the petitioner would submit that the 5th respondent is an encroacher of a lay land stream 'Nilaveli Odai' in S.No.124/8, Nallagoundampalayam, Erode Taluk and District and action was initiated against him under the provisions of the Tamil Nadu Land Encroachment Act, 1905 and aggrieved by the same, he filed a statutory appeal under Section 10 (A) of the Town and Country Planning Act 1905 before the 1st respondent and the 1st respondent, vide proceedings dated 14.06.2019 in Na.Ka.No.3203/2017/C1, has rejected the said appeal. The learned counsel appearing for the petitioner would further add that to her knowledge no revision has been filed under Section 10 (A) (b) of the Tamil Nadu Land Encroachment Act, 1905 and hence prays for implementation of the above cited order.

2.This Court heard the submission of Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader who accepts notice on behalf of the respondents 1 to 4.

3. This Court, taking into consideration the limited prayer sought for by the petitioner and without going into the merits of the claim projected by the petitioner, directs the 4th respondent to initiate appropriate action in accordance with law, after putting the 5th respondent on notice, subject to legal interdiction if any, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner as well as the 5th respondent.

4. The Writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1.The District Collector,
Collectorate,
Erode, Erode District.



2.The District Revenue Officer,
Collectorate,
DRO Office, Erode.

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3.The Revenue Divisional Officer,
Collectorate, RDO Office,
Erode 638 001.

4.The Tahsildar,
Taluk Office,
Erode-638 001.

+lcc to Mr.M.Guruprasad, Advocate SR.94777

WP.No.31842 of 2019

RSI (CO)
CB(06/01/2020)