



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.05.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.12643 of 2019

and

W.M.P.(MD)No.9395 of 2019

S.Sathyabama

: Petitioner

Vs.

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Tahsildar,
Tirupathur Taluk,
Sivagangai District.
3. The Block Development Officer
(Village Panchayat),
Thirupathur, Sivagangai District.
4. The Regional Deputy Block
Development Officer (1),
Thirupathur, Sivagangai District.
5. The Panchayat Secretary,
Ranasingapuram Panchayat,
Ranasingapuram,
Tirupathur Taluk,
Sivagangai District.

6. A.Ponnammal

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari calling for the records relating to the impugned order made in Na.Ka.P3/2432/2017, dated 08.05.2019 issued by the third respondent and quash the same in so far as the petitioner is concerned.

For Petitioner

: Mr.D.Sadiq Raja

For R1 to R4

: Mr.V.R.Shanmuganathan

Special Government Pleader

For R5

: Mr.R.Sethuraman

**ORDER**

[Order of the Court was made by **G.R.SWAMINATHAN, J.**]

The third respondent has issued the impugned notice dated 08.05.2019 calling upon the petitioner to remove the encroachment in question within a period of fifteen days. Aggrieved by the same, the writ petition has been filed.

2.The learned counsel appearing for the petitioner submitted that the petitioner is having a strained relationship with the sixth respondent herein. The sixth respondent filed W.P.(MD)No.3505 of 2019 before this Court seeking removal of the encroachment said to have been put up by the petitioner herein on a public pathway in Survey No.116/12 in Ranasingapuram village. The Hon'ble Division Bench by order dated 05.03.2019 directed the third respondent herein to issue notice to the writ petitioner and thereafter pass final orders. The petitioner's grievance is that even without issuing such a notice, the third respondent had straightaway passed the impugned order demanding the petitioner to remove the alleged encroachment. Even though the petitioner's counsel is right in his contention that the third respondent has straightaway passed the impugned order, still we are of the view that no interference is called for. This is because, even in the impugned order it has been clarified that in the event of the petitioner not removing the encroachment in question, the procedure laid down in Tamil Nadu Land Encroachment Act, 1905, would be resorted to. Therefore, the petitioner need not have any apprehension that she would be suddenly and summarily dispossessed. We clarify that the petitioner's rights are left open.

3.The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

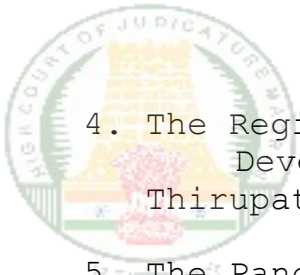
sd/
Assistant Registrar (VO)

/True Copy/

Sub Assistant Registrar

To

1. The District Collector,
Sivagangai District, Sivagangai.
2. The Tahsildar, Tirupathur Taluk,
Sivagangai District.
3. The Block Development Officer
(Village Panchayat),
Thirupathur, Sivagangai District.



4. The Regional Deputy Block
Development Officer (1),
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5. The Panchayat Secretary,
Ranasingapuram Panchayat,
Ranasingapuram,
Tirupathur Taluk,
Sivagangai District.

+1 CC to Mr.D.SADIQ RAJA, Advocate (SR-66295[F] dated 29/05/2019)

+1 CC to SPL GP (SR-66500[F] dated 30/05/2019)

Order made in
W.P.[MD]No.12643 of 2019
29.05.2019

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