

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.14010/2020

Paavadai

.. Petitioner

Versus

1. The District Collector,
Kallakurichi District.
2. The District Revenue Officer
Kallakurichi, Kallakurichi District.
3. The Revenue Divisional Officer
Thirukovilur, Kallakurichi District.
4. The Deputy Superintendent of Police
Ulundurpet, Kallakurichi District.
5. The Block Development Officer [Village Panchayat]
Office of the Panchayat Union,
Thirunavalur, Ulundurpet Taluk
Kallakurichi District.
6. The Tahsildar
Ulundurpet Taluk,
Kallakurichi District.
7. The Inspector of Police
Thirunavalur Police Station
Thirunavalur, Ulundurpet Taluk
Kallakurichi District.
8. Thiru Poongodi .. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents 1 to 7 to take immediate action for removal of the encroachment made by the 8th respondent in the land in Survey No.262/1 of Attur Village, Ulundurpet Taluk, Kallakurichi District in the light of the representation dated 24.12.2019 of the petitioner.

For Petitioner : Mr.P.K.Shivakumar for
Mr.E.Manikandan
For Respondents: Mr.M.Elumalai, AGP

ORDER

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.M.Elumalai, learned Additional Government Pleader accepts notice on behalf of respondents 1 to 7.
- (3) The petitioner is a resident of Attur Village, Ulundurpet Taluk, Kallakurichi District and according to him, the 8th respondent was issued with the proceedings dated 01.09.2016 by the 6th respondent in No.Na.Ka.A4/8961/2015 as to the allotment of alternate land in lieu of the removal of the encroachment caused by her in Natham S.No.362 of Attur Village, Ulundurpet Taluk and it was rejected. The petitioner would further state that the 8th respondent also filed WP.No.32019 of 2016 against some of the official respondents herein praying for issuance of a writ of mandamus directing the President of the Local Body, viz., Attur Village, to dispose of the Appeal made on 04.08.2016 and till such time, forbearing them to resort to eviction proceedings against her in respect of the land in S.No.362/1 of Attur Village, Ulundurpet Taluk, Villupuram District and it was dismissed on 05.10.2016.
- (4) Subsequently, she also made a challenge to the Eviction Notice dated 30.08.2018 issued by the 5th respondent herein [who was arrayed as the 3rd respondent therein] by filing WP.No.23724/2018 and the said writ petition was dismissed on 03.12.2018 with a direction that in the event of the writ petition therein/8th respondent herein being served with the copy of the order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, it is open to her to file an appeal under Section 10 of the said Act before the 1st respondent.
- (5) Accordingly, the 8th respondent herein filed an appeal before the 1st respondent, who vide proceedings dated 25.12.2018 in Na.Ka.No.Aa5/23873/2018, had dismissed the said appeal. The Sub Collector of Thirukoilur, by means of the consequential proceedings dated 03.01.2019 in Se.Mu.A1/7383/2018, has also informed the 8th respondent as to the rejection of the request made by the 8th respondent herein for grant of patta in favour of her.
- (6) The learned counsel for the petitioner would submit that the 5th respondent, as a consequent act of the earlier proceedings, sent a communication dated 07.08.2019 to the 6th respondent in Na.Ka.No.Aa2/1896/2016 for removal of the encroachment and despite that, no further progress is taking place to cause the removal of the encroachment caused by the 8th respondent and therefore, prays for appropriate orders.

- (7)The Court heard the submissions of Mr.M.Elumalai, learned Additional Government Pleader appearing on behalf of respondents 1 to 7.
- (8)This Court, taking into consideration the facts and circumstances and without going into the merits of the claim projected by the petitioner, either in his representation or in this writ petition, directs the respondents 5 and 6 to coordinate with each other and subject to legal intradict if any, shall cause removal of the encroachments, which may include the encroachment caused by the 8th respondent herein by adhering to due process of law and also the principles of natural justice and complete the said exercise within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner, 8th respondent and any other person/s / encroachers if any.
- (9)The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP
To

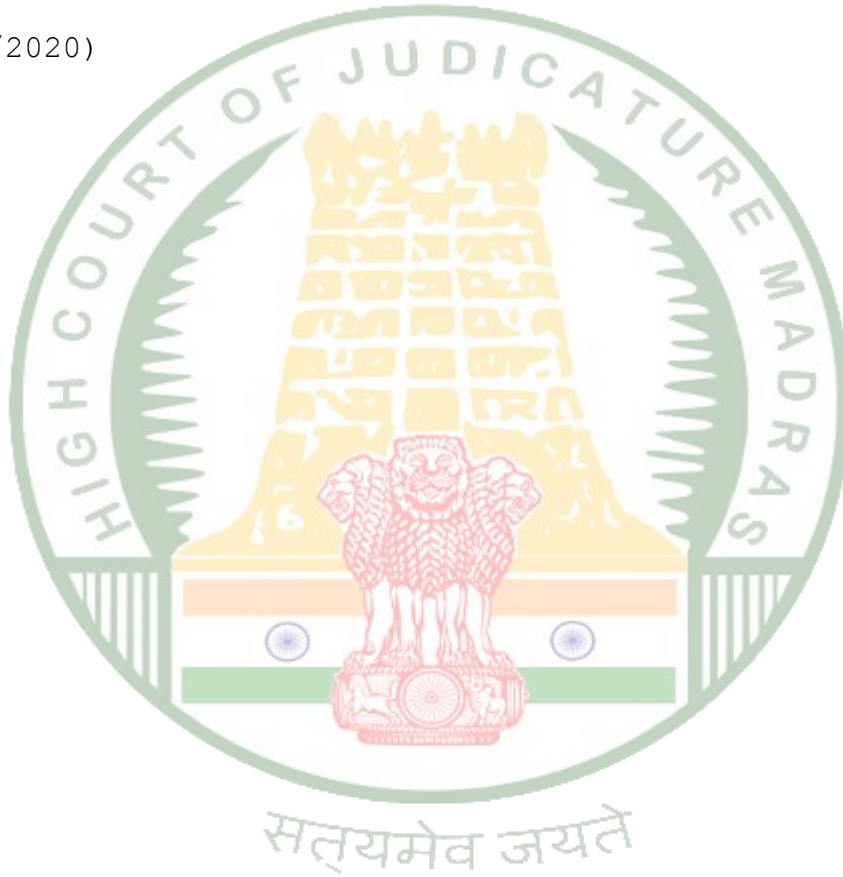
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Thirunavalur Police Station
Thirunavalur, Ulundurpet Taluk
Kallakurichi District.

+1 cc to M/s. E.Manikandan, Advocate Sr.No. 33039
+1 cc to The Government Pleader, Sr.No. 33524

WP.No.14010/2020

VSNII (CO)
RMP (09/11/2020)



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