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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 31.08.2020

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN  
and

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD) No.10522 of 2020  
(Through Video conferencing)

M.Murugan

...Petitioner

-Vs-

- 1.The State of Tamil Nadu  
Rep. By the District Collector  
Virudhunagar District  
Virudhunagar.
- 2.The Revenue Divisional Officer  
Sivakasi Taluk, Sivakasi  
Virudhunagar District.
- 3.The Deputy Tahsildar  
Sivakasi Taluk Office  
Sivakasi  
Virudhunagar District.
- 4.The Block Development Officer  
Sivakasi Panchayat Union  
Sivakasi, Virudhunagar District.
- 5.The President  
Krishnapuram Village Panchayat  
Sivakasi Taluk,  
Krishnapuram Village  
Virudhunagar District.

6.K.Sakkariammal

...Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to remove the encroachment made in Survey Number 1495/1, Kammappatti Village, Managalam Village & Post, Krishnapuram Panchayat, Sivakasi Taluk, Virudhunagar District by the 6<sup>th</sup> respondent, on the basis of the petitioner's representation dated 09.07.2020 within a time frame as fixed by this Court.



For Petitioner : Mr.P.M.Vishnuvarthanan  
For Respondents : Mr.R.Murugan  
Addl. Govt. Pleader for R1 to R3  
Mr.R.Pandiyarajan,  
Addl. Govt. Pleader for R4 & R5

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ORDER

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

The learned counsel appearing for the petitioner, on instructions, would submit that the petitioner is not an encroacher of even a pinch of public land and the land belonging to the local body. The grievance expressed by the petitioner is that the land in Natham Survey No.1495/1, at Kammappatti Village, Krishnapuram Panchayat, Sivakasi Taluk, Virudhunagar District is classified as Natham vacant land and the land in Survey No.1840 is a pathway and the private respondents, without permission or authorisation, had encroached upon the said lands and proceeded with the unauthorized construction in respect of a land in S.No.1495 and obstructed the public from using the pathway in S.No.1840 of the said village. It is further submitted by the learned counsel appearing for the petitioner that the office of the Sub-Collector of Sivakasi, on the basis of the representation submitted by the petitioner, has directed the Tahsildar, Sivakasi to take appropriate action and inform the office and despite such communication emanated from the superior Official, no follow up action has been taken by the Subordinate Officials and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

2. Heard the submission of Mr.R.Murugan, the learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.R.Pandiyarajan, the learned Additional Government Pleader, who accepts notice on behalf of the respondents 4 and 5.

3. Though the petitioner prays for larger relief, this Court, in the light of the above 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 Tahsildar, Sivakasi along with the fourth respondent to cause inspection of the land in Survey Nos.1495 and 1840 at Kammappatti Village, Krishnapuram Panchayat, Sivakasi Taluk, Virudhunagar District, after putting on notice the petitioner as well as the sixth respondent and any other persons concerned and depending upon the result of the inspection, shall take appropriate action in accordance with law, as expeditiously as possible and not later than ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner, 6<sup>th</sup> respondent as well as to the persons concerned, if any.



4. This writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar (AD I)

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/ /2020

Sub Assistant Registrar(CS)

vsm

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The District Collector  
Virudhunagar District  
Virudhunagar.
- 2.The Revenue Divisional Officer  
Sivakasi Taluk, Sivakasi  
Virudhunagar District.
- 3.The Deputy Tahsildar  
Sivakasi Taluk Office  
Sivakasi  
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- 4.The Block Development Officer  
Sivakasi Panchayat Union  
Sivakasi, Virudhunagar District.
- 5.The President  
Krishnapuram Village Panchayat  
Sivakasi Taluk,  
Krishnapuram Village  
Virudhunagar District.

+1 CC to M/s.P.M. VISHHNUVARTHANAN, Advocate ( SR-15598[F] dated 01/09/2020 )

Order made in  
W.P. (MD) No.10522 of 2020  
31.08.2020

KK(08.09.2020) 3P 7C

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