



WEB COPY

W.P.(MD)Nos.16739 and 16768 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE **D.KRISHNAKUMAR**

W.P. (MD)Nos.16739 and 16768 of 2019

and

WMP (MD)Nos.13342 and 13369 of 2019

1.Vidhya ... Petitioner in W.P(MD)No.16739 of 2019
2.Kokila ... Petitioner in W.P(MD)No.16768 of 2019

Vs.

1.The District Collector,
Pudukkottai District.

2.The Regional Manager,
Forest Plantation Corporation Limited,
Indra Nagar,
Pudukkottai District.

3.The Assistant Director,
Department of Survey and Settlement,
Office of the District Collector,
Pudukkottai District.

4.The Tahsildar,
Pudukkottai,
Pudukkottai District.

... Respondents in both Wps

COMMON PRAYER:

Writ Petitions filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to remove the boundary stones put up in the petitioner's patta land in S.F.Nos.345/5 and 351/4 of Vagavasal Village, Pudukkottai District.

For Petitioner : Mr.P.Ganapathi Subramanian in both WPs
For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader in both WPs

COMMON ORDER

These Writ Petitions are filed to direct the respondents to remove the boundary stones put up in the petitioner's patta land in S.F.Nos.345/5 and 351/4 of Vagavasal Village, Pudukkottai District.



2. According to the petitioners, the petitioners are the owners of the petition mentioned property in S.F.Nos.345/5 and 351/4 situated at Vagavasal Village, Pudukkottai Taluk and District. On the south side of the petitioners' patta land, forest land is situated, which belongs to the second respondent, wherein the second respondent raised eucalyptus trees and mistakenly they have encroached the petitioners' patta land. In this regard, the petitioners have sent a representation dated 02.07.2019 to the respondents to remove the boundary stones put up by the second respondent. Since no action has been taken, the petitioners are before this Court.

3. The learned counsel for the petitioners submitted that the petitioners made a representation dated 02.07.2019 for removal of encroachment made by the second respondent. Since the said representation is of the year 2019, no action has been taken so far. Therefore, he prays for the aforesaid relief in the writ petition.

4. Mr. C.M. Mari Chelliah Prabhu, learned Additional Government Pleader appearing for the respondents would submit that the the second respondent seeks time for filing counter affidavit.

5. Considering the limited scope of the prayer, without expressing any opinion on the merits of the case and perused the materials available on records, this Court, in the interest of justice, it is deemed fit to the second respondent to consider the petitioners representation, dated 02.07.2019 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Further, the petitioners shall also enclose all the relevant documents along with the copy of the order to the second respondent.

6. These Writ Petition are disposed of with the above directions. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsd/NS

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To

1.The District Collector,
Pudukkottai District.

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4.The Tahsildar,
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+1 CC to M/s.GP (SR-13736[F] dated 06/08/2020)

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and

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SMA/21/08/2020/3P/6C