



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.24882 of 2021
and
W.M.P.Nos.26193 and 26195 of 2021

Chandranathan

...Petitioner

Vs.

- 1.The District Collector,
Thiruvannamalai District.
- 2.The Assistant Director (Panchayat)
Thiruvannamalai District.
- 3.The Thasildhar,
Kilpennathur Taluk,
Thiruvannamalai District.
- 4.The Block Development Officer,
Panchayat Union Office,
Thurinchapuram,
Thiruvannamalai District.
- 5.The Village Administrative Officer,
Vedanthavaadi Group Village,
Kilpennathur Taluk,
Thiruvannamalai District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records passed by the 4th respondent in respect of NA.K.A.No.3702/2018/VO.A.3 dated 18.10.2021 and quash the same as illegal, arbitrary and discriminatory.



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For petitioner : Mr.R.Sathish Kumar

For respondents: Mr.K.V.Sajeev Kumar
Special Government Pleader

ORDER

(The Order of the Court was made by K.KALYANASUNDARAM,J)

We have heard Mr.R.Sathish Kumar, learned counsel for the petitioner and Mr.K.V.Sajeev Kumar, learned Special Government Pleader appearing for the respondents.

2.This Writ Petition has been filed to quash the impugned order passed by the 4th respondent in respect of NA.K.A.No.3702/2018/VO.A.3 dated 18.10.2021.

3.The petitioner would state that his ancestors had occupied the land in S.Nos.468/5 and 468/3 several decades ago and they had been possession and enjoyment of the same. After their life time, the petitioner is enjoying the property.

4.The learned counsel for the petitioner Mr.R.Sathish Kumar would argue that pursuant to the order issued in W.P.No.30297 of 2018 dated 27.11.2018, the impugned order has been issued by the fourth respondent to evict the petitioner. It is the submission of the learned counsel for the petitioner that even in the earlier writ petition, a direction was issued to the Tahsildar to remove the encroachment in accordance with law, but the fourth respondent has issued the impugned order without following the procedure as contemplated under the Tamil Nadu Land Encroachment Act.

5.The learned Special Government Pleader appearing for the respondents Mr.K.V.Sajeev Kumar would state that the order impugned in this writ petition is only a communication between the 4th and 5th respondents and as per the direction issued in the earlier writ petition, the third respondent would remove the encroachment only after passing the order under Section 6 of the Tamil Nadu Land Encroachment Act.



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6. Recording the submission of the learned Special Government Pleader, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

skn

To

1. The District Collector,
Thiruvannamalai District.
2. The Assistant Director (Panchayat)
Thiruvannamalai District.
3. The Thasildhar,
Kilpennathur Taluk,
Thiruvannamalai District.
4. The Block Development Officer,
Panchayat Union Office,
Thurinchapuram,
Thiruvannamalai District.
5. The Village Administrative Officer,
Vedanthavaadi Group Village,
Kilpennathur Taluk,
Thiruvannamalai District.

+1cc to Mr.R.Sathish Kumar, Advocate SR.No.63640

+1cc to the Government Pleader, SR.No.64332

W.P.No.24882 of 2021
and

W.M.P.Nos.26193 and 26195 of 2021

SS(CO)

CB(20/12/2021)