



WEB COPY

W.P.(MD)No.5257 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2021**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS. JUSTICE S.ANANTHI

W.P. (MD)No.5257 of 2020

(Through Video Conferencing)

R.Muthusamy

: Petitioner

Vs.

1.The District Collector

Collectorate Building,

Pudukottai.

2.The Assistant Director of Panchayat,

District Collectorate Campus,

Palace, Pudukottai.

3.The Block Development Officer

Office of the Block Development Officer,

Viralimalai Pudukottai.

4.The Tahsildar,

Viralimalai Taluk

Viralimalai

Pudukottai District.

5.Rajendran

6.Arumugam

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents 1 to 4 to remove the encroachment made by the 5th and 6th respondents as per the proceedings by the 1st respondent in Na.Ka.No.1/21020/2019 dated 04.11.2019 by considering the petitioner's representation dated 06.01.2020.

For Petitioner : Mr.G.Kannan

For Respondents : Mr.K.P.Krishnadoss for R1 to R4

Special Government Pleader

Mr.M.Ajmal Khan for R5

for M/s.Ajmal Associates

No appearance for R6

ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

The case on hand has undergone several orders at the hands of the official respondents as well as this Court. The petitioner has

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



once again filed the present writ petition seeking to remove the encroachment made by the respondents 5 and 6.

2. Despite notice served and name printed, none appears on behalf of the respondent No.6.

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3. On the submissions made by the learned counsel for the respondent No.5 and the learned Special Government Pleader, it appears that the respondent No.5 made an attempt to regularize the encroachment made by seeking patta. Eviction proceedings are concluded as against him. The request for patta was rejected by the proceedings of the Tahsildar dated 19.10.2020. He filed an appeal to the District Collector, namely, respondent No.1 and the appeal was heard on 09.03.2021.

4. From the above, we are inclined to direct the official respondents to remove the encroachment other than the one put up by the respondent No.5. Insofar as the said respondent is concerned, the respondent No.1 is directed to conclude the pending proceedings for grant of patta within eight weeks from the date of receipt of a copy of this order. As against the respondent No.6, if any encroachment is found, he shall also be evicted by following due procedure, if not concluded already. We make it clear that our order will not have any bearing on the decision of the respondent No.1, which has to be made on its own merits.

5. The writ petition is disposed of accordingly. No costs.

[

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RR

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
Collectorate Building,
Pudukottai.

2.The Assistant Director of Panchayat,
District Collectorate Campus,

<https://hcservice.scdports.gov.in/Reservices/Pudukottai>.



3.The Block Development Officer
Office of the Block Development Officer,
Viralimalai Pudukottai.

4.The Tahsildar,
Viralimalai Taluk
Viralimalai
Pudukottai District.

+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-10253[F] dated
11/03/2021)

+1 CC to M/s.G.KANNAN, Advocate (SR-10471[F] dated 11/03/2021)

+1 CC to M/s.SPL GP (SR-10585[F] dated 11/03/2021)

W.P. (MD)No.5257 of 2020

Dated: 10.03.2021

MJ(CO)

KK(24.03.2021) 3P 8C