



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2021

CORAM

THE HONOURABLE MR.JUSTICE T. S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.7955 of 2021

and W.M.P. (MD) No.6064 of 2021

WEB COPY

K.R.Nagarajan

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Pudukottai.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Iluppur, Pudukottai.

3.The Tahsildar,
Tahsildar Office,
Ponnamaravathi Taluk,
Pudukottai.

4.The Executive Officer,
Ponnamaravathi Town Panchayat,
Pudukottai District.

5.Ramanathan

6.Muthaiah

7.Chockalingam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1 to 4 Respondents herein more particularly the 3rd Respondent to remove the encroachment made by the 5 to 7 Respondents herein in S.No.571 classified as "Nilaviyal Pathai", Ponnamaravathi Village and Taluk, Pudukkottai District by considering Petitioner's representation dated 22.10.2020 within a time stipulated by this Hon'ble Court.

For Petitioner

: Mr.S.Vashik Ali for
Mr.D.Nallathambi

For Respondent Nos.1 to 4 : Mr.R.Baskaran

Standing Counsel for Government

* * * * *

ORDER

(Order of the Court was made by T. S. SIVAGNANAM, J.)

Heard Mr.S.Vashik Ali, learned counsel for the petitioner and Mr.R.Baskaran, learned Standing Counsel for Government, appearing for respondent Nos.1 to 4.



2.This Writ Petition has been filed for a direction upon respondent Nos.1 to 4 to remove the encroachments caused by the respondent Nos.5 to 7.

3.Notices have been served on the respondent Nos.5 to 7 on 24.04.2021 and their names are printed in the cause list, but they have not entered appearance through counsels.

4.From the materials placed, it is seen that earlier action was initiated against respondent Nos.5 to 7 and the encroachment was removed from Nilavial Pathai and once again encroachment has been made and fence has been erected.

5.Learned counsel for the petitioner would submit that a suit was filed in O.S.No.124 of 2019, on the file of the learned District Munsif, Thirumayam, in which respondent Nos.5 to 7 have impleaded one Narayanan as the sole defendant. However, in the said suit the officials are not impleaded as defendants.

6.We are informed that there is no interim order in the suit. In any event, the land is classified as Nilavial Pathai and already action for removal of encroachment has been taken and the official respondents are not impleaded as parties to the suit. Hence, we dispose of the Writ Petition by directing the respondent Nos.3 and 4 to issue notice to the respondent Nos.5 to 7 and afford them an opportunity of personal hearing and thereafter, take appropriate action on merits and in accordance with law. This direction be complied with within twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

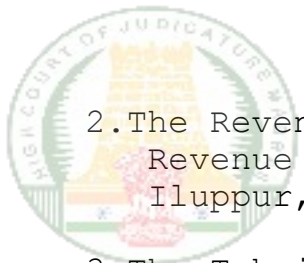
sj

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,
Pudukottai.

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



2.The Revenue Divisional Officer,
Revenue Divisional Office,
Iluppur, Pudukottai.

3.The Tahsildar,
Tahsildar Office,
Ponnamaravathi Taluk,
Pudukottai.

4.The Executive Officer,
Ponnamaravathi Town Panchayat,
Pudukottai District.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-21676[F] dated 08/07/2021)

+1 CC to M/s.SPL GP (SR-21966[F] dated 09/07/2021)

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RD(19.07.2021) 3P 7C