



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 25.06.2021**

**CORAM:**

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE  
and**

**THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM**

**W.P. (MD) No.10585 of 2021**

M.Gurunathan

... Petitioner

-vs-

1.The District Collector  
Tenkasi District  
Tenkasi

2.The District Revenue Officer  
Tenkasi District, Tenkasi

3.The Revenue Divisional Officer  
Kadayanallur, Tenkasi District

4.The Tahsildar  
Kadayanallur Taluk  
Kadayanallur  
Tenkasi District

5.The Assistant Executive Engineer  
National Highways Department  
Sivagiri, Tenkasi District

6.A.Subramanian

7.A.Kumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the Respondents 1 to 5 to remove the illegal encroachment made by the 6<sup>th</sup> and 7<sup>th</sup> respondents in the government vacant land situated in S.Nos.522/23 and 522/1B at Nagaram Post Kadayanallur Taluk Tenkasi District within the stipulated time fixed by this Court.

For Petitioner :Ms.Kalaiyarasi Bharathi.P.

For Respondents : Mr.R.Baskaran

Standing Counsel for Government for R1 to R5



**O R D E R**

**[Order of the Court was made by The Hon'ble CHIEF JUSTICE]**

The petitioner complains of the failure on the part of the official respondents to take action against the private respondents for the perceived encroachment into revenue lands by the private respondents.

2. It appears that an enquiry was conducted and report was forwarded to the fourth respondent Tahsildar for appropriate action. It is possible that the second surge of the pandemic and the omnibus order passed by this Court requiring the State not to take steps to remove encroachments till June 30, 2021, may have impeded the Tahsildar in taking expeditious measures.

3. Subject to any extension of time that may be granted by this Court, the fourth respondent Tahsildar should ensure that appropriate action is taken on the basis of the report forwarded to him in respect of the perceived encroachment. The Tahsildar will give notice to the private respondents before taking any action.

4. The writ petition is disposed of without notice to the private respondents, since the Tahsildar has been directed to issue notice and permit the private respondents to present their case before taking any action.

5. W.P.(MD) No.10585 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

**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,  
Tenkasi District,  
Tenkasi.
- 2.The District Revenue Officer,  
Tenkasi District,  
Tenkasi.
- 3.The Revenue Divisional Officer,  
Kadayanallur,  
Tenkasi District.
- 4.The Tahsildar,  
Kadayanallur Taluk,  
Kadayanallur,  
Tenkasi District.
- 5.The Assistant Executive Engineer,  
National Highways Department,  
Sivagiri, Tenkasi District.

+1 CC to M/s.SPL GP ( SR-20438[F] dated 28/06/2021 )

**W.P. (MD) No.10585 of 2021**

**25.06.2021**

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