



W.P. No.33555 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.12.2022

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P. No.33555 of 2022

K.Kathirvel

... Petitioner

Vs

1.Additional Personal Assistant
to Collector (Land)
District Collector Office, Salem District

2.Revenue Inspector,
Veerapandi Firka, Salem South Taluk,
Salem District

3.The Tahsildhar
Salem South Taluk, Salem District

4.G.Murugan

5.M. Umapathy

6.Bomma Naicker

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st respondent to remove the encroachment made by the Respondents No. 4 5 and 6 in the pathway in survey Nos.59/3A, 59/3E, 56/1A, 56/2A, 56/7A, 55/1A, 55/2A, 55/4A and 55/5A on considering the petitioner's representations dated 26.04.2022.



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For the Petitioner : Mr.A.Kumar

*For the Respondents : Mrs.R.Anitha,
Special Government Pleader,
for respondents 1 to 3*

ORDER

(Made by the Hon'ble Acting Chief Justice)

This writ petition is filed for removal of encroachment made by respondents 4 to 6 in the pathway running in Survey Nos.59/3A, 59/3E, 56/1A, 56/2A, 56/7A, 55/1A, 55/2A, 55/4A and 55/5A, by considering the petitioner's representation dated 26.04.2022.

2. Learned counsel for the petitioner submits that when notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 was issued, the official respondents have to pursue the matter by issuing subsequent notice under Section 6 of the Act of 1905.

3. Mrs.Anitha, learned Special Government Pleader submits that notice under Section 6 of the Act of 1905 would be issued, if not already issued, and after following the due process of law, encroachments would be removed.



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4. Recording the said submission of the learned Special Government Pleader, the writ petition is disposed of directing the official respondents to issue notice to the encroachers, and thereafter, remove the encroachment. The entire exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
14.12.2022

Index: Yes/No
tar

To

- 1.The Additional Personal Assistant
to Collector (Land)
District Collector Office, Salem District
- 2.The Revenue Inspector,
Veerapandi Firka,
Salem South Taluk,
Salem District
- 3.The Tahsildhar
Salem South Taluk,
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