



WEB COPY



W.P.No.34518 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.12.2022

CORAM :

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

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.34518 of 2022

M/s Santosh Limited
rep. by its Director
135/1, Santosh Nagar
Mangalapuram Village, Rasipuram Taluk
Namakkal District 636 202

.. Petitioner

v

1. The District Collector
Namakkal District

2. The Tahsildar
Rasipuram

3. The Head Surveyor
Namakkal District

4. The President
Mangalapuram Grama Panchayat
Rasipuram Taluk, Namakkal District

.. Respondents



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Petition under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to quash the order of the 4th Respondent dated 13.12.2022 and consequently forbear the 4th Respondent from demolishing the Petitioner industry premises, without following due procedure of law.

For Petitioner :: Mr.S.Kamalesh Kannan

For Respondents :: Mr.P.Muthukumar
State Government Pleader
for R1 to R3

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

The petitioner has prayed for issuance of a writ of certiorarified mandamus to quash the order passed by the 4th Respondent dated 13.12.2022 and consequently forbear the 4th Respondent from demolishing the Petitioner industry premises, without following due procedure of law.

2. Learned counsel appearing for the petitioner, assailing the impugned order, has stated that when the fourth respondent has issued the notice calling upon the petitioner to remove the encroachment/construction put up in



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the Survey Nos.26/4, 136, 25 & 19 of Mangalapuram Village, Namakkal District, which are also classified as pathway and river respectively, without there being any survey undertaken by the respondents, they cannot give effect to the impugned order, for the simple reason that the petitioner has been running the industry for the past three decades.

3. It is at this stage, Mr.P.Muthukumar, learned State Government Pleader appearing for the respondents 1 to 3, producing a copy of the 'A' register, submitted that although the impugned notice has been issued under Section 131 of the Tamil Nadu Panchayats Act, 1994 for removal of the encroachment, appropriate action will be taken only after conducting an accurate survey with the help of Surveyor.

4. Accepting the statement made by the learned State Government Pleader appearing for the respondents 1 to 3, we hereby direct the respondents to proceed further for removal of the encroachment in the survey numbers in question only after conducting an accurate and detailed survey in



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the presence of the petitioner. With this observation, the writ petition stands dismissed. Consequently, W.M.P.Nos.33973 and 33974 of 2022 are also dismissed. However, there shall be no order as to costs.

Speaking/Non speaking order

(T.R.,A.C.J.)

(D.B.C.,J.)

Index : yes/no

22.12.2022

ss

To

1. The District Collector
Namakkal District
2. The Tahsildar
Rasipuram
3. The Head Surveyor
Namakkal District
4. The President
Mangalapuram Grama Panchayat
Rasipuram Taluk, Namakkal District



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SS

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