



W.P.(MD) No.366 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.11.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P.(MD) No.366 of 2022

S.Senthilkumar

... Petitioner

-vs-

- 1.The District Collector
Sivaganga District, Sivaganga
- 2.The Tahsildar
Karaikudi Taluk
Sivaganga District
- 3.The Block Development Officer
Union Panchayat
Karaikudi Taluk
Sivaganga District
- 4.The President
P.Nerpugapatti
Paganeri (Post)
Karaikudi Taluk
Sivagangai District
- 5.M.Pillappan



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6.P.Vellaiyan

7.Kaalitheerdan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the fourth respondent to take necessary steps to remove the encroachment made by the respondents 5 to 7 in S.No.541/1 of P.Nerpugapatti, Paganeri Post, Karaikudi Taluk, Sivaganga District, by considering the petitioner's representation dated 04.12.2020, within a time frame.

For Petitioner : Mr.S.Rabeek Raja

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 & R2

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

The prayer in this writ petition is for issuance of a writ of mandamus directing the fourth respondent to take necessary steps to remove the encroachment made by the respondents 5 to 7 in Survey No.541/1 of P.Nerpugapatti, Paganeri Post, Karaikudi Taluk, Sivaganga District, based on the petitioner's representation dated 04.12.2020, within a time frame.



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2. Today, when the matter was taken up for hearing, the learned Additional Government Pleader appearing for the respondents 1 and 2, on instructions, submitted that the encroachments, as projected by the petitioner, have been removed on 16.09.2022 and to that effect, he has also produced a copy of the proceedings in O.Mu.Aa5/5492/2021, dated 23.09.2022, issued by the second respondent, before this Court.

3. However, the learned counsel for the petitioner submitted that the encroachments have not been removed fully and the encroachments have been removed partially.

4. In view of the above submission of the learned counsel for the petitioner, the authority concerned is directed to remove the encroachments completely, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of six (6) weeks from the date of receipt of a copy of this order.



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5. With the above direction, the writ petition is disposed of. No costs.

[R.M.D., J.] [J.S.N.P., J.]

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Index : Yes / No

Internet : Yes / No

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To:

1.The District Collector,
Sivaganga District,
Sivaganga.

2.The Tahsildar,
Karaikudi Taluk,
Sivaganga District.



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and
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