



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.5539 of 2022

K.Malaimaran

... Petitioner

/Vs./

- 1.The Tahsildar,
Thiruppuvanam Taluk Office,
Thiruppuvanam,
Sivagangai District.
- 2.The Block Development Officer,
Thiruppuvanam Union Office,
Thiruppuvanam,
Sivagangai District.
- 3.The President,
Keeladi Panchayat Office,
Keeladi,
Thiruppuvanam Taluk,
Sivagangai District.

4.Thangaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to refrain themselves from taking any further action upon the petitioner's peaceful possession and enjoyment in the property comprised in Survey Nos.224/3 and 224/4, situated at Pasiyapuram Village, Keeladi Post, Thiruppuvanam Taluk, Sivagangai District, till disposal of the suit in O.S.No.340 of 2019 on the file of the learned Sub Court, Manamadurai, by considering the petitioner's representation dated 24.03.2022.

For Petitioner	: Mr.T.Indrachithu
For R1	: Mr.M.Lingadurai Special Government Pleader
For R2	: Mr.Ragavendran Government Advocate

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 3 to refrain themselves from taking any further action upon the petitioner's peaceful possession and enjoyment in the property comprised in Survey Nos.224/3 and 224/4, situated at Pasiyapuram Village, Keeladi Post, Thiruppuvanam



Taluk, Sivagangai District, till disposal of the suit in O.S.No.340 of 2019 on the file of the learned Sub Court, Manamadurai, by considering the petitioner's representation dated 24.03.2022, within a time frame to be fixed by this Court.

2.The petitioner was the eighth respondent in a petition of Public Interest Litigation filed in WP(MD)No.23118 of 2017. By Judgment dated, 14.09.2021, the Division Bench of this Court, in WP (MD)No.23118 of 2017, directed the concerned Tahsildar to consider the representation of the petitioner in that writ petition dated 30.10.2017 and pass orders on merits and in accordance with law, after giving notice to the encroachers, within a period of twelve weeks from the date of receipt of the said order copy.

3.According to the learned Special Government Pleader and the learned Government Advocate appearing for the respondents 1 and 2, the petitioner in that writ petition is an encroacher and in terms of the Judgment of the Division Bench of this Court in WP(MD) No.23118 of 2017 dated 14.09.2021, notice was also given to him in the enquiry proceedings. However, no final orders have been passed till date.

4.On instructions, the learned Special Government Pleader and the learned Government Advocate appearing for the respondents 1 and 2 would further submit that the petitioner in this writ petition has not appeared in the enquiry proceedings, which is disputed by the learned counsel appearing for the petitioner that no notice of hearing was given to the petitioner in the enquiry proceedings. The said statement is recorded. The learned Special Government Pleader and the learned Government Advocate appearing for the respondents 1 and 2 would further submit that the official respondents will strictly abide by the directions given by the Division Bench of this Court in WP(MD)No.23118 of 2017 dated 14.09.2021. The said undertaking is recorded.

5.Accordingly, this Writ Petition stands disposed of, in terms of the undertaking given by the official respondents that they shall strictly abide by the directions given by the Division Bench of this Court dated 14.09.2021 passed in WP(MD)No.23118 of 2017. There shall be no order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

- 1.The Tahsildar,
Thiruppuvanam Taluk Office,
Thiruppuvanam,
Sivagangai District.
- 2.The Block Development Officer,
Thiruppuvanam Union Office,
Thiruppuvanam,
Sivagangai District.

+1 CC to M/s.SPL GP (SR-15314[F] dated 30/03/2022)

+1 CC to M/s.T.INDRACHITHU, Advocate (SR-15513[F]
dated 31/03/2022)

+1 CC to M/s.SPL GP (SR-15739[F] dated 31/03/2022)

order made in
W.P. [MD]No.5539 of 2022
Dated:
29.03.2022

NSN (CO)
PA(06.04.2022) 3P 6C