



W.P.(MD)Nos.10075 and 12468 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)Nos.10075 and 12468 of 2019

and

W.M.P(MD) No.16427 of 2019

W.P(MD) No.10075 of 2019

Murugan

... Petitioner

Vs.

1. The District Collector,
Pudukottai District.

2. The Tahsildar,
Kulathur Taluk,
Pudukottai District.

3. Soundarajan

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to remove the encroachment made by the third respondent in the Government paramboke/un-assessed dry land, measuring 0.65.5 Ares, comprised in Survey No. 416/1, at Vellanur Village, Kulathur Taluk in Pudukottai District, in accordance with law, within a time to be fixed by this Honourable Court.

For Petitioner

: Mr.R.Suriya Narayanan

For Respondents

: Mr.R.Baskaran



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Additional Advocate General
assisted by
Mr.P.Thilak Kumar
Government Pleader
for R1 and R2
Mr.D.Ramesh Kumar for R3

W.P(MD) No.12468 of 2019

R.Chandhira

... Petitioner

Vs.

1. The Revenue Divisional Officer,
Revenue Divisional Office, Illupur,
Pudukkottai District

2. The Tahsildar,
Taluk Office, Kulathoor,
Pudukkottai District.

3. Jeyanthi

4. Veerachamy

5. Rengaraj

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the first respondent *vide* his proceedings in Mu.Mu.5406/2018, dated 15.05.2019 and quash the same as illegal.

For Petitioner

: Mr.V.Selva

For Respondents

: Mr.R.Baskaran
Additional Advocate General
assisted by
Mr.P.Thilak Kumar



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Government Pleader
for R1 and R2
Mr.R.Balakrishnan
for Mr.Poorna Chandran for R4
No appearance for R3

COMMON ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

W.P(MD) No.10075 of 2019 has been filed for issuance of a Writ of Mandamus, directing the second respondent to remove the encroachment made by the third respondent in the Government poramboke/un-assessed dry land in Survey No. 416/1, situated at Vellanur Village, Kulathur Taluk in Pudukottai District, within a time frame.

2. W.P(MD)No.12468 of 2019 has been filed challenging the proceedings of the Revenue Divisional Officer, Illupur, in Mu.Mu.5406/2018, dated 15.05.2019, cancelling the patta issued in favour of the petitioner herein.

3. In both the writ petitions, property in dispute is at Survey No. 416/1, to the extent of 0.65.5 Ares, at Vellanur Village, Kulathur Taluk in Pudukottai District.



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4. While the petitioner in W.P(MD) No.10075 of 2019, alleges encroachment in Survey No.416/1 of the aforesaid village, by the third respondent in that writ petition, the petitioner in W.P(MD) No.12468 of 2019, who is challenging the order of cancelling the patta issued in her name in respect of Survey No.416/1, measuring to an extent of 0.065 Ares, also alleges encroachment by the third respondent in W.P(MD) No.10075 of 2019.

5. Today, when the matter was taken up for hearing, the learned counsel for the petitioner in both writ petitions submitted that it would suffice if a direction is issued to the authorities concerned to conduct a proper survey in Survey No.416/1, measuring to an extent of 0.065 Ares, in the presence of all the parties concerned and then pass appropriate orders within a time frame to be fixed by this Court.

6. The learned Government Pleader appearing for the official respondents submitted that the authorities concerned will survey the land in question and if there is any encroachment, the same will be removed by due process of law.



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7. Recording the above submission, both the writ petitions are disposed of with a direction to the authorities concerned to survey the land in question in the presence of all the parties concerned and if there is any encroachment as claimed by the petitioner, necessary action shall be taken for removal of the encroachments in Survey No.416/1 at Vellanur Village, Kulathur Taluk in Pudukottai District, after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
12.10.2022

Internet : Yes / No
Index : Yes / No
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To

1. The District Collector,
Pudukottai District.

2. The Tahsildar,
Kulathur Taluk,
Pudukottai District.

3. The Revenue Divisional Officer,
Revenue Divisional Office, Illupur,
Pudukkottai District.

4. The Tahsildar,
Taluk Office, Kulathoor,
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