



W.P(MD)No.12138 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM:

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

**W.P(MD)No.12138 of 2021
and
W.M.P(MD)No.9560 of 2021**

M.Marimuthu

... Petitioner

VS.

- 1.The District Collector,
Pudukottai District, Pudukottai.
- 2.The Revenue Divisional Officer,
Pudukottai District.
- 3.The Assistant Director of Survey,
Survey and Land Records,
Pudukottai District.
- 4.The Tahsildar,
Karambakudi Taluk,
Pudukkottai District.
- 5.The Block Development Officer,
Karambakudi Panchayat,
Pudukkottai District.
- 6.The Village Administrative Officer,
Malaiyur Village, Pudukkottai District.
- 7.Shanmugam

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to conduct the survey in S.F.No.148/11 of Koogaipuliyar Kollai, Malaiyur Village and Post, Karambakudi Taluk, Pudukkottai District by the third respondent and the respondents 4 and 5 to remove the encroachment in Survey No.148/11 by the seventh respondent.

For Petitioner : Mr.K.Baalasundharam

For RR 1 to 6 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For R - 7 :Ms.V.Pushpalatha

ORDER

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

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 6 to conduct a survey in S.F.No.148/11 of Koogaipuliyar Kollai, Malaiyur Village and Post, Karambakudi Taluk, Pudukkottai District, by the third respondent and to direct the respondents 4 and 5 to remove the encroachment made by the seventh respondent.

2. The learned counsel appearing for the petitioner submitted that earlier the petitioner filed a Writ Petition in W.P(MD)No.5236 of 2021



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for a similar prayer and this Court by order, dated 26.04.2021, dismissed the said Writ Petition, stating that already survey has been conducted in the presence of the petitioner and the fourth respondent therein and it was found that the said land is not the Government land, but it is the fourth respondent's private land. Hence, the petitioner submitted an application to the Village Administrative Officer to issue certificate of ownership of his property in Survey No.148/24 and accordingly, a certificate has been issued, wherein, it is noted that Eastern and Northern lands in Survey No.148/11 have been classified as Government poramboke lands. Now, the petitioner has submitted a representation, dated 26.06.2021 to the respondents 1 to 6 stating that the seventh respondent and his family members have put up a construction, by encroaching the aforesaid Government poramboke lands in Survey No.148/11 of Malaiyur Village. But, there was no response. Hence, this Writ Petition.

3. The learned Government Advocate appearing for the respondents 1 to 6, on instructions, submitted that the petitioner's representation dated 26.06.2021 would be considered and appropriate action will be taken by following due process of law, within a time frame.



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4. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 6 are directed to consider the representation of the petitioner, dated 26.06.2021 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and all other parties concerned, the authorities concerned are directed to take necessary action for removal of encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
26.10.2022



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
W.P(MD)No.12138 of 2021

DATED : 26.10.2022