



W.P.(MD) No.12328 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.12328 of 2020

P.Pitchai

... Petitioner

-Vs-

1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.

2.The Tahsildar,
Musiri Taluk, Musiri,
Tiruchirappalli District.

3.Palaniyandi

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate and immediate steps to remove the encroachment put up by the 3rd respondent in Survey No.350/8 I 2, situated in Indhra Nagar, Pulivalam Post, Musiri Taluk, Tiruchirappalli District, in view of the order passed by this Honorable Court in

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WP(MD). No.2885 of 2018, dated 14.02.2018 within a period stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu
For R1 and R2 : Mr.V.Nirmal Kumar,
Government Advocate.
For R3 : No Appearance

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take appropriate and immediate steps to remove the encroachment put up by the 3rd respondent in Survey No.350/8 I 2, situated in Indhra Nagar, Pulivalam Post, Musiri Taluk, Tiruchirappalli District, in view of the order passed by this Hon'ble Court in WP (MD) No.2885 of 2018, dated 14.02.2018, within a time frame.

2. Today, when the matter was taken up for hearing, the learned Government Advocate appearing for the respondents 1 and 2, on instructions, submitted that notice has been issued under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, to the third respondent on 05.11.2022. A copy of the

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same has been produced before this Court. He further submitted that the encroachment pointed out by the petitioner would be removed by the authorities concerned within a time frame, for which, the learned counsel for the petitioner is agreeable.

3. Despite the name of the third respondent is printed in the cause list, there is no representation on behalf of him.

4. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to remove the encroachment in the place in question, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
09.11.2022

vsm

Index : Yes / No

Internet : Yes / No

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R.MAHADEVAN, J.

AND

J.SATHYA NARAYANA PRASAD, J.

VSM

To

- 1.The District Collector,
Tiruchirappalli District,
Tiruchirappalli.
- 2.The Tahsildar,
Musiri Taluk, Musiri,
Tiruchirappalli District.

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