



WEB COPY

W.P.[MD]No.12225 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P. [MD]No.12225 of 2022

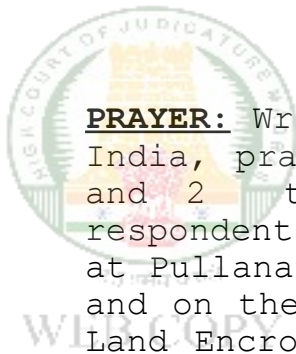
P.Muthuramalingam

....Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District.
- 2.The Tahsildar
Arupukkottai Taluk,
Virudhunagar District.
- 3.The President,
K.Chettikulam,
Village Panchayat,
Thiruchuli Block,
Arupukkottai Taluk,
Virudhunagar District.
- 4.The President
Ramasamipatti Village Panchayat,
Kamudhi Block,
Ramanadhapuram District.
- 5.The President,
Pullanaickenpatti Village,
Arupukkottai Taluk,
Virudhunagar District.
- 6.The Secretary
Horticulture Farms,
Propagation Society,
at Project Ozone High,
K.Chettikulam Village,
Arupukkottai Taluk,
Virudhunagar District.
- 7.Tamilselvi
- 8.Ajay Nivas Pash
- 9.Lilly Nithya Priyadharshini

....Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents 1 and 2 to complete the removal of encumbrance caused by the respondents 7 to 9 on the cart-way comprised in S.No.4/1A situated at Pullanaickenpatti Village, Paralachi Taluk, Virudhunagar District and on the basis of their nature under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, dated 19.04.2022 and restore the same to enable the respondents 3 to 5 to complete the road laying work immediately forthwith.

For Petitioner : Mr.B.Chandran
For R1 & R2 : Mr.A.K.Manikkam,
Special Government Pleader
For R3 to R5 : Mr.P.Thilak Kumar,
Government Pleader
For R6 : Mr.N.Ananthapadmanabhan

O R D E R

[Order of the Court was made by **P.N.PRAKASH, J.**]

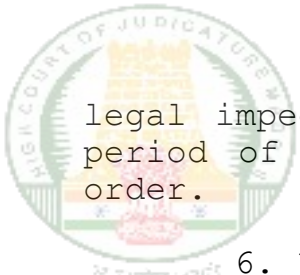
Alleging that the respondents 7 to 9 have made encroachments in a cart-track comprised in survey No.4/1A in Pullanaickenpatti Village, Paralachi Circle, Aruppukkottai Taluk, Virudhunagar District, the present Public Interest Litigation has been filed for a direction to respondents 1 to 5 to remove the same.

2.Heard Mr.B.Chandran, learned counsel appearing for the petitioner, Mr.A.K.Manikkam, learned Special Government Pleader appearing for respondents 1 & 2, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 3 to 5 and Mr.N.Ananthapadmanabhan, learned counsel appearing for the sixth respondent.

3. Learned counsel appearing for the petitioner submitted that the Tahsildar, Aruppukkottai Taluk, has issued a notice under Section 7 of the Land Encroachment Act, 1905, dated 07.03.2022 to the respondents 7 to 9 and has followed it up by issuing a notice under Section 6 of the said Act on 19.04.2022, despite which, the respondents 7 to 9 are not handing over the possession nor the authorities taking possession from them.

4. Learned counsel for the petitioner further alleged that the respondents 7 to 9 have put up a fresh fence, despite the notice issued by the Tahsildar - second respondent.

5. In such view of the matter, we direct the second respondent to proceed with the removal of encroachments in survey No.4/1A in Pullanaickenpatti Village, Paralachi Circle, Aruppukkottai Taluk, Virudhunagar District, if there is no other



legal impediments for the same and complete the exercise within a period of three months from the date of receipt of copy of this order.

6. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

RM

To

- 1.The District Collector,
Virudhunagar District.
- 2.The Tahsildar
Arupukkottai Taluk,
Virudhunagar District.
- 3.The President,
K.Chettikulam,
Village Panchayat,
Thiruchuli Block,
Arupukkottai Taluk,
Virudhunagar District.
- 4.The President
Ramasamipatti Village Panchayat,
Kamudhi Block,
Ramanadhapuram District.
- 5.The President,
Pullanaickenpatti Village,
Arupukkottai Taluk,
Virudhunagar District.

- +1 CC to M/s.B. CHANDRAN, Advocate (SR-26322[F] dated 17/06/2022)
+1 CC to M/s.SPL.GP (SR-26836[F] dated 20/06/2022)
+1 CC to M/s.SPL.GP (SR-27075[F] dated 21/06/2022)

ORDER MADE IN

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17.06.2022