



W.P.(MD) Nos.12894 and 14359 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)Nos.12894 and 14359 of 2020

and

W.M.P.(MD)No.12008 of 2020

in

W.P.(MD)No.14359 of 2020

C.Asokan

... Petitioner in W.P.(MD)No.12894 of 2020

Suriyagandhi

... Petitioner in W.P.(MD)No.14359 of 2020

-Vs-

1.The District Collector,

Sivagangai, Sivagangai District.

2.The Revenue Divisional Officer,

Sivagangai, Sivagangai District.

3.The Tahsildar,

Ilayankudi Taluk, Sivagangai District.

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4. Adaikala Madha Temple,
Represented by St. Adaikala Annai Trust,
Rep. by its Trustee,
Kattanur, Muthur Post, Salaigramam Via,
Ilayankudi Taluk, Sivagangai District.

5. Surya Gandhi

... Respondents

in W.P.(MD) No. 12894 of 2020

1. The District Collector,
Sivagangai District, Sivagangai.

2. The Tahsildar,
Ilayankudi Taluk, Sivagangai District.

3. The Village Administrative Officer,
47, Kattanur Group, Ilayankudi Taluk,
Sivagangai District.

... Respondents

in W.P.(MD) No. 14359 of 2020

PRAYER in W.P.(MD) No. 12894 of 2020 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the encroachments made in Old Survey No. 87/4, subsequently, re-surveyed as new Survey No. 246/4 in Kattanur Village, Ilayankudi Taluk, Sivagangai District by the respondents 4 and 5 herein.

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PRAYER in W.P.(MD)No.14359 of 2020 : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the impugned notice issued by the 3rd respondent dated 03.10.2020 under Section 5 of the Tamil Nadu Land Encroachment Act, 1905.

In W.P.(MD)No.12894 of 2020

For Petitioner : Mr.T.Pon Ramkumar
For R1 to R3 : Mr.S.P.Maharajan,
Special Government Pleader
For R5 : Mr.B.Prahalad Ravi

In W.P.(MD)No.14359 of 2020

For Petitioner : Mr.B.Prahalad Ravi
For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

COMMON ORDER

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

Claiming that the respondents 4 and 5 had encroached the land in Old Survey No.87/4, subsequently, re-surveyed as new Survey No.246/4 in Kattanur

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Village, Ilayankudi Taluk, Sivagangai District, the petitioner made several representations to the respondents 1 to 3 and finding no heed to them was paid, he has filed W.P.(MD)No.12894 of 2020.

2. Based on the representation given by the petitioner in W.P.(MD)No. 12894 of 2020, the Village Administrative Officer, Ilayangudi Taluk, has issued a notice dated 03.10.2020 under Section 5 of the Tamil Nadu Land Encroachment Act, 1905 to the 5th respondent. Aggrieved by the same, the 5th respondent has filed W.P.(MD)No.14359 of 2020.

3. Today, when the matter was taken up for hearing, the learned counsel for the petitioner in W.P.(MD)No.14359 of 2020 sought time to the petitioner for filing her objections to the impugned notice dated 03.10.2020.

4. In view of the above, without going into the merits of the case, this Court directs the petitioner in W.P.(MD)No.14359 of 2020 to file her objections to the impugned notice dated 03.10.2020 before the authorities concerned within



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R.MAHADEVAN, J.

AND

J.SATHYA NARAYANA PRASAD, J.

Myr

3.The Tahsildar,
Ilayankudi Taluk, Sivagangai District.

4.The Village Administrative Officer,
47, Kattanur Group, Ilayangudi Taluk,
Sivagangai District.

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