



W.P(MD)No.13415 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM:

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

W.P(MD)No.13415 of 2021

R.Manivannan

... Petitioner

VS.

1.The District Collector,
Thanjavur District, Thanjavur.

2.The District Revenue Officer,
Thanjavur District.

3.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

4.Rajalakshmi

5.Anbalagan

... Respondents

(R – 4 is amended vide order, dated 24.11.2022
made in W.M.P(MD)No.11274 of 2021)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment encroached by the respondents 4 and 5 in Survey No.35 measuring 4 acres 11 cents classified as Billakulam water tank situated at Polyundarkottai, Orathanadu Taluk, Thanjavur District.

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For Petitioner : Mr.M.Ramu
For RR 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

ORDER

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

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment made by the respondents 4 and 5 in Survey No.35 measuring 4 acres 11 cents classified as Billakulam water tank situated at Polyundarkottai, Orathanadu Taluk, Thanjavur District.

2.Though the earlier writ petitions filed by the petitioner in W.P(MD)No.2730 of 2015, to quash the assignment order passed by the fourth respondent in Na.Ka.No.7454/97/A2 dated 20.07.1997 and consequently to direct the respondents 1 to 4 to restore the Biliakulam in Survey No.35 with an extent of 4 acre 11 cents situated at Poiyundarkottai, Orathanadu Taluk, Thanjavur District and W.P(MD)No.3912 of 2016, to quash the patta issued by the third respondent in Patta No.969 in the



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Billakulam Survey No.35/2, 35/3 with an extent of 1 acre 11 cents situated at Poiyundarkottai Village, Orathanadu Taluk, Thanjavur District are pending before this Court, as the lower Appellate Court declared the assignment order as null and void, both the Writ Petitions have become infructuous. Hence, the petitioner sent a representation to the respondents 1 and 2 along with the copy of the Judgment passed by the lower Appellate Court on 07.07.2021 to remove the encroachment, but still there is no action taken. Hence, this Writ Petition.

3.The learned Government Pleader appearing for the respondents 1 to 3 submitted that the representation of the petitioner, dated 07.07.2021 will be considered on merits and in accordance with law and appropriate action will be taken to remove the encroachers, if any, in the place in question by due process of law within a time frame.

4.In view of the abovesaid submissions, the authorities concerned are directed to consider the representation of the petitioner, dated 07.07.2021 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, the



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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 twelve (12) 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.

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

24.11.2022

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Index : Yes / No

Internet : Yes

ps

To

- 1.The District Collector,
Thanjavur District,
Thanjavur.
- 2.The District Revenue Officer,
Thanjavur District.
- 3.The Tahsildar,
Orathanadu Taluk,
Thanjavur District.

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

ps

ORDER MADE IN
W.P(MD)No.13415 of 2021

DATED : 24.11.2022
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