



W.P(MD)No.13286 of 2020

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.13286 of 2020

P.Karuppiah

... Petitioner

VS.

- 1.The Secretary to Government (Home Department),
Chief Minister Cell, Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Collectorate,
Sivagangai,
Sivagangai District.
- 3.The District Revenue Officer,
District Revenue Office,
Sivagangai,
Sivagangai District.
- 4.The Revenue Divisional Officer,
Revenue Divisional Office,
Ram Nagar,
Devakottai,
Sivagangai District.



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5.The Tahsildar,
Devakottai Taluk Office,
Ram Nagar,
Devakottai,
Sivagangai District.

6.The Block Development Officer,
Block Development Office,
Devakottai,
Sivagangai District.

7.Vijaya
8.Annapoornam
9.Ganapathi
10.Manjula
11.Mari
12.Mariammal
13.Sekar

14.The Revenue Inspector,
Devakottai.

... Respondents

(R – 14 was *suo motu* impleaded vide order
dated 02.11.2020 in W.P(MD)No.13286 of 2020)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 6 herein to remove the encroachment made by the respondents 7 to 13 herein in Survey No.212 which are sub-divided as 212/24, 212/18 having an extent of more than 2 acres situated in North Erumathi, Sakkanthi Panchayat, Thidakottai Post, Devakottai Taluk, Sivagangai District based on the petitioner's representations, dated 20.06.2020 and 20.08.2020 respectively.



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For Petitioner : Mr.S.Muthukumar
For RR 1 to 6 : Mr.S.P.Maharajan
Special Government Pleader
For RR 7 & 9 to 13 : Mr.R.Sundar Srinivasan
For R – 8 : Mr.M.Solaisamy

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 2 to 6 to remove the encroachment made by the respondents 7 to 13 in Survey No.212 which was sub-divided as S.Nos.212/24, 212/18 having an extent of more than 2 acres situated in North Erumathi, Sakkanthi Panchayat, Thidakottai Post, Devakottai Taluk, Sivagangai District, based on the petitioner's representations, dated 20.06.2020 and 20.08.2020 respectively.

2.Seeking removal of the aforesaid encroachment, the petitioner made representations, dated 20.06.2020 and 20.08.2020 to the official respondents. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.



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3.The fifth respondent filed a status report, dated 27.10.2020, stating that Survey Nos.212/18 and 212/24 are not Government poramboke lands as alleged by the petitioner, whereas it is a Natham vacant site, in which, the private respondents have constructed houses and pattas also were issued to them.

4.The respondents 7 & 9 to 13 have also filed typedset of papers.

5.The learned counsel appearing for the petitioner submitted that the pattas wrongly granted to the private respondents in respect of the place in question were cancelled by the subsequent proceedings.

6.In view of the abovesaid submissions, without going into the merits of the claim made by the petitioner, the authorities concerned are directed to consider the representations of the petitioner, dated 20.06.2020 and 20.08.2020, taking into consideration the status report filed by the authorities and also after providing opportunity to the petitioner, who claims that the encroachers pattas issued to the private respondents wrongly were cancelled by subsequent proceedings and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed



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by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and all other parties, 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 twelve (12) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D.,J.] [J.S.N.P.,J.]
24.11.2022

Index : Yes / No
Internet : Yes
ps

To

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ORDER MADE IN
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