



W.P.(MD) No.14421 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)No.14421 of 2020

L.Thangapandian

... Petitioner

-Vs-

- 1.The District Collector,
Theni District Collectorate,
Theni.
- 2.The District Revenue Officer,
Theni District, Theni.
- 3.The Sub Collector,
Periyakulam, Theni District.
- 4.The Tahsildar,
Taluk Office, Aundipatti,
Theni District.

Page 1 of 6



W.P.(MD) No.14421 of 2020

WEB CAM 5.P.Kamatchi Thever

6.P.Praburaj

7.P.Pon Vijayan

8.S.Karthikeyan

9.A.Sadayan

10.P.Alagusingam

11.R.Arjunan

12.S.Rajendran

13.N.Nagaraj

14.P.Thamilarasan

15.A.Paramasivam

16.B.Chinnasamy

17.R.Parvendhan

18.A.Paulraj

19.A.Packiaraj

20.D.P.Mani

21.R.Jagadeesan

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made in Survey No.1506/2 for an extent of 2.25 acres of land situated at Kovilpatti Village, Aundipatti Taluk, Theni District and consequently, remove the encroachments in pursuant to the notice under Section 6 of the Land

Page 2 of 6



W.P.(MD) No.14421 of 2020

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Encroachment Act, dated 23.12.2019 issued by the 4th respondent and consequently, consider the representation dated 10.09.2020.

For Petitioner : Mr.P.Athimoolapandian
For R1 to R4 : Mr.S.P.Maharajan,
Special Government Pleader
For R5 & R6 : Mr.A.Jeyarama Chandran
For R13, 15, 19 to
R21 : Mr.C.Susi Kumar
For R7 to R12, 14
16 to 18 : No Appearance

ORDER

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

This Writ Petition has been filed, seeking issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made in Survey No.1506/2 to an extent of 2.25 acres of land situated at Kovilpatti Village, Aundipatti Taluk, Theni District in pursuant to the notice under Section 6 of the Land Encroachment Act, dated 23.12.2019 issued by the 4th respondent and consider the representation of the petitioner dated 10.09.2020.

Page 3 of 6



W.P.(MD) No.14421 of 2020

WEB COPY

2.Today, when the matter was taken up for hearing, the learned Special Government Pleader for the respondents 1 to 4 submitted that an enquiry would be conducted and appropriate action would be taken for removal of encroachment, if any, in the place in question, after providing sufficient opportunity to all the parties concerned and by following due process of law, for which, the learned counsel for the petitioner is also agreeable.

3.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to conduct an enquiry, after issuing notice to all the parties concerned and if the enquiry reveals any encroachment in the place in question, the same shall be removed by the authorities concerned, after affording sufficient opportunity 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.



W.P.(MD) No.14421 of 2020

WEB COPY

4.With the above direction, this Writ Petition stands disposed of. No costs.

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

10.11.2022

Index : Yes / No

Internet : Yes / No

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To

1.The District Collector,
Theni District Collectorate,
Theni.

2.The District Revenue Officer,
Theni District, Theni.

3.The Sub Collector,
Periyakulam, Theni District.

4.The Tahsildar,
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Page 5 of 6



WEB COPY



W.P.(MD) No.14421 of 2020

R.MAHADEVAN, J.

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Myr

W.P.(MD)No.14421 of 2020

10.11.2022

Page 6 of 6