



W.P(MD)No.14488 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.14488 of 2021

Alagumani

... Petitioner

VS.

- 1.The District Collector,
Office of the District Collector,
Thanjavur District.
- 2.The Divisional Engineer,
National Highways Department,
Panagal Building,
Thanjavur,
Thanjavur District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Kumbakonam,
Thanjavur District.
- 4.The Tahsildar,
Office of the Tahsildar,
Kumbakonam Taluk,
Thanjavur District.
- 5.The Village Administrative Officer,
Malagapettai Village,
Kumbakonam, Thanjavur District.

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6.Murugan
7.Senthil
8.Ramaiah
9.Otchammal
10.Saroja
11.Siva
12.Murugan
13.Vairavan
14.Manjula
15.Senthil
16.Pandiyan
17.Kamachi

... Respondents

(RR 6 to 17 were impleaded vide order dated 26.11.2021
in W.M.P(MD)No.12858 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 herein 1 to 5 to remove the illegal encroachments made by the side of the land in Survey Nos.190/1, 187/6B and 190/2 situated at Valaiyapettai Village, Kumbakonam Taluk, Thanjavur District on the basis of the petitioner's representation, dated 22.10.2020.

For Petitioner : Mr.B.Jameel Arasu

For RR 1, 3 & 5 : Mr.S.P.Maharajan
Special Government Pleader

For R – 2 : Mr.D.Rajagopal

For RR 6 to 17 : No appearance



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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 herein 1 to 5 to remove the illegal encroachments made by the side of the land in Survey Nos.190/1, 187/6B and 190/2 situated at Valaiyapettai Village, Kumbakonam Taluk, Thanjavur District on the basis of the petitioner's representation, dated 22.10.2020.

2.The learned counsel appearing for the petitioner submitted that on the basis of the petitioner's representation, dated 22.10.2021, a communication, dated 04.08.2022 was addressed by the National Highways Authority of India to the Assistant Executive Engineer, Cauvery Basin Sub-Division, Water Resources Department PWD, Kumbakonam, that the subject land in Survey No.185 is classified as "Vellakarai Poramboke" and it has been encroached upon by 14 persons by constructing houses. Reports in this regard had already been filed to the Divisional Engineer, National Highways, Thanjavur as well as other authorities. Despite the same, no action is forthcoming.



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3.The learned Government Pleader appearing for the respondents 1 & 3 to 5 submitted that the abovesaid encroachments will be removed by following due process of law.

4.In view of the abovesaid submissions, this Writ Petition is disposed of directing the respondents 2 and 4 to act upon with the communication, dated 04.08.2022 referred supra and proceed further for removal of encroachments, 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.
No costs.

Index : Yes / No
Internet : Yes
ps

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



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

ps

ORDER MADE IN
W.P(MD)No.14488 of 2021

DATED : 24.11.2022