



W.P.(MD)No.14539 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.14539 of 2022

K.Velu

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Sub Collector, Ramanathapuram,
Ramanathapuram District.
- 3.The Revenue Divisional Officer,
Ramanathapuram, Ramanathapuram District.
- 4.The Tahsildar,
R.S.Mangalam Taluk, Ramanathapuram District.

5.Subramaniyan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to consider the objections of the petitioner while passing orders in Na.Mu.Ka.A3/4821/2020, dated 17.12.2022 made through the representation, dated 20.12.2021 with regard to the encroachment of the fifth respondent in respect of the land in S.No.341/4 situating in Uppoor Village, R.S.Managalam Taluk, Ramanathapuram District and to pass an appropriate order for removing the encroachment of the fifth respondent from the above mentioned land within the time limit that may be



W.P.(MD)No.14539 of 2022

stipulated by this Court.

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For Petitioner :Mr.S.Micheal Heldon Kumar
For R1 to R4 :Mr.J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the first respondent to consider the objections of the petitioner while passing orders in Na.Mu.Ka.A3/4821/2020, dated 17.12.2022 made through the representation, dated 20.12.2021 with regard to the encroachment of the fifth respondent in respect of the land in S.No.341/4 situated in Uppoor Village, R.S.Managalam Taluk, Ramanathapuram District and to pass an appropriate order for removing the encroachment of the fifth respondent from the above mentioned land within a time limit that may be stipulated by this Court.

2.Heard Mr.S.Micheal Heldon Kumar, learned Counsel for the petitioner and Mr.J.Ashok, learned Additional Government Pleader, who takes notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



W.P.(MD)No.14539 of 2022

3.The petitioner states that he is the owner of the land in S.Nos. 341/2A, 342/2B, 342/4, 343/7 and 343/12A situated in Uppoor Village. It is the case of the petitioner that the property in S.No.341/4 is a pathway and that the villagers are using the said pathway for reaching their agricultural lands for several decades.

4.The learned Counsel for the petitioner submitted that the official respondents have not taken any action sofar. Since one of the encroachers has already put up a construction, the apprehension of the petitioner is that the other encroachers may also get patta and therefore, the petitioner has approached this Court.

5.The learned Additional Government Pleader states that proceedings were initiated for removal of encroachment against the encroachers after identifying the nature of encroachment. The learned Additional Government Pleader further submits that the official respondents have already issued notice under Section 7 of the Tamil Nadu Land Encroachment Act, and that the officials respondents will pass appropriate orders after hearing the objections/representation of the petitioner as well as the encroachers.

6.This Court and the Honourable Supreme Court has time and



W.P.(MD)No.14539 of 2022

again issued several orders directing the official respondents to take or initiate proceedings for removal of encroachment in accordance with the provisions of various statutes, wherever, the encroachment is found to be in a public property. However, the apprehension of the petitioner is also reasonable.

7.Hence, this Writ Petition is disposed of with the direction to the fourth respondent to complete the proceedings under the provisions of Tamil Nadu Land Encroachment Act and pass final orders after complying with legal formalities in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
07.07.2022

Index : Yes / No

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W.P.(MD)No.14539 of 2022

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W.P.(MD)No.14539 of 2022

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W.P(MD)No.14539 of 2022

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