



W.P(MD)No.16749 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM:

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

W.P(MD)No.16749 of 2021

Muthulakshmi

... Petitioner

VS.

1.The District Collector,
Pudukkottai District.

2.The Revenue Divisional Officer,
Pudukkottai District.

3.The Tahsildar,
Kulathur Taluk,
Pudukkottai District.

4.Arockiamary

5.Durai

6.Rasu

7.Arulkennedy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment in S.F.No.9 of Melur Village, Sathiyamangalam, Kulathur Taluk, Pudukkottai District by the respondents 4 to 7.



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For petitioner : Mr.P.Ganapathi Subramanian
For RR 1 to 3 : Mr.N.GA.Nataraj
Government Advocate
For RR 4, 6 & 7 : Mr.K.Baalasundaram
For R – 5 : No appearance

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 to 3 to remove the encroachment made by the respondents 4 to 7 in S.F.No.9 of Melur Village, Sathiyamangalam, Kulathur Taluk, Pudukkottai District, within a time frame.

2. The learned counsel appearing for the petitioner submitted that for the very same relief, the petitioner already filed a Writ Petition in W.P(MD)No.3624 of 2011 and this Court, by order, dated 12.12.2016, directed the official respondents to remove the encroachments by due process of law within a period of two months. Since part of the encroachments done were removed, the petitioner made a representation, dated 04.09.2021 to the official respondents to remove the encroachments



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completely. Since the same has not been considered so far, she has filed the present Writ Petition.

3. The learned Government Advocate appearing for the respondents 1 to 3, on instructions, submitted that the petitioner's representation, dated 04.09.2021 would be considered and appropriate action will be taken, to remove the encroachment, if any.

4. In order to give quietus to this issue, the authorities concerned are directed to conduct survey in the place in question, after issuing notice to the petitioner and all other parties concerned within a period of two weeks from the date of receipt of a copy of this order. 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 concerned, the authorities concerned shall take necessary action for removal of such encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of six weeks thereafter.



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

[R.M.D.,J.] [J.S.N.P.,J.]
27.10.2022

Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
Pudukkottai District.
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Pudukkottai District.
- 3.The Tahsildar,
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Pudukkottai District.



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

ps

ORDER MADE IN
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