



W.P.(MD)No.16906 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.07.2022

CORAM

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

W.P.(MD)No.16906 of 2021
and
W.M.P(MD)No.13802 of 2021

V.Velayutham

... Petitioner

Vs.

1.The District Collector,
Pudukottai District.

2.The Sub Collector/
Revenue Divisional Officer,
Aranthangi,
Pudukottai District.

3.The Tahsildar,
Aranthangi Taluk,
Pudukottai District.

4.M.Sakthivel
5.R.Rajendran

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents



W.P.(MD)No.16906 of 2021

No.1 to 3 to take immediate action for the removal of encroachment made by the respondent Nos.4 and 5 in the Government Poramboke land which was used as common path way in Survey No.79/1 to an extent of 31 cents situated at Paravaakkottai Village, Aranthangi Taluk, Pudukottai District, based on the petitioner's representation dated 12.09.2020 and 18.08.2021 submitted for removal of encroachment within a time frame as fixed by this Court.

For Petitioners :Mr.M.Mahaboob Athiff
for Mr.P.Sivachandran

For R1 to R3 :Mr.N.Satheesh Kumar
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 respondents No.1 to 3 to take immediate action for the removal of encroachment made by the respondent Nos.4 and 5 in the Government Poramboke land, which was used as a common path way in Survey No.79/1 to an extent of 31 cents, situated at Paravaakkottai Village,



W.P.(MD)No.16906 of 2021

Aranthangi Taluk, Pudukottai District, based on the petitioner's representations dated 12.09.2020 and 18.08.2021.

2.Heard Mr.M.Mahaboob Athiff, learned counsel appearing for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 1 to 3.

3.Having regard to the nature of orders proposed to be passed by this Court, notice to the private respondents is dispensed with.

4.It is the specific case of the petitioner that he is residing in Paravaakottai Village and the fourth and fifth respondents have encroached the Government porampoke land, which is classified as Government proampoke. It is further stated that the property in S.No.79/1 is also used as a common pathway.



W.P.(MD)No.16906 of 2021

5.Despite the Tahsildar identifying the encroachment, it is stated by the learned counsel for the petitioner that no action has been taken so far.

6.Without going into the merits of the case, this Court directs the third respondent to consider the representations of the petitioner, dated 12.09.2020 and 18.08.2021 and pass appropriate orders on merits and in accordance with law as early as possible. Before initiating proceedings for eviction, the third respondent shall conduct a survey, after issuing notice to the petitioner as well as the respondents 4 and 5 and other encroachers if any. After identifying the encroachment if any while conducting survey, it is open to the third respondent to initiate action for removal of the encroachment by invoking the provision under Tamil Nadu Land Encroachment Act, 1905. It is made clear that the private respondents are entitled to show cause notice. It is only after considering the representation or objection of the private respondents, in response to the show cause notice issued by the Tahsildar final



W.P.(MD)No.16906 of 2021

orders has to be passed by the Tahsildar. Thereafter, the Tahsildar, is directed to proceed further for removal of encroachment physically in the manner known to law.

7. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

18.07.2022

Index : Yes / No

Tmg/Ns

To

1. The District Collector,
Pudukottai District.

2. The Sub Collector/
Revenue Divisional Officer,
Aranthangi,
Pudukottai District.

3. The Tahsildar,
Aranthangi Taluk,
Pudukottai District.



WEB COPY



W.P.(MD)No.16906 of 2021

S.S.SUNDAR, J.
and
S.SRIMATHY, J.

Tmg/Ns

W.P(MD)No.16906 of 2021
and
W.M.P(MD)No.13802 of 2021

18.07.2022