



W.P.(MD) No.17813 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.17813 of 2021

S.Kalidass

... Petitioner

-vs-

1.The District Collector
Pudukkottai
Pudukkottai District

2.The Revenue Divisional Officer
Revenue Divisional Office
Aranthangi, Pudukkottai District

3.The Tahsildar
Avudaiyarkoil Tahsildar Office
Avudaiyarkoil
Pudukkottai District

4.V.Kumararaja

5.V.Chandrasekar

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to remove the encroachments made in Survey No.145/28, Valaivu Oorani shore at Kasangudi Village, Pilluvalasai, Avudaiyarkoil Taluk, Pudukkottai District-614 618, by considering the representation of the petitioner dated 24.07.2021.

For Petitioner : Mr.R.Rajesh Kumar

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3
No appearance for R4 & R5

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 official respondents to remove the encroachments made in Survey No.145/28 of Kasangudi Village, Pilluvalasai, Avudaiyarkoil Taluk, Pudukkottai District, based on the petitioner's representation dated 24.07.2021.

2. The third respondent has filed a counter affidavit, dated 28.11.2021, wherein at Paragraph No.7, it has been stated as follows:



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“07.I respectfully submit that the averments made in Para (3) of the affidavit of the petitioner, herein is not correct. The land in SF.No.145/28 classified as vacant land in natham settlement records, whereas one Tmt.Ammami Ammal mother of the 4th and 5th respondents has claimed that the Natham settlement authorities has issued patta in her favour in respect the land in SF.No.145/28, which was not incorporated in the revenue records and presented a petition for mutation of the same. Further, it is submitted that the petitioner has the pathway leading to his land in SF.No.145/30 classified as Cart Track poromboke. In addition to this pathway, the petitioner can also reach his land in the southern bund of the Valaivu Oorani in SF.No. 145/14.”

3. In view of the above position, the authority concerned is directed to remove the encroachment in the subject land, after giving due notice to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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4. With the above direction, the writ petition is disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Pudukkottai,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Aranthangi, Pudukkottai District.
- 3.The Tahsildar,
Avudaiyarkoil Tahsildar Office,
Avudaiyarkoil,
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