



W.P.(MD) No.19422 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.19422 of 2021

V.Kannan

... Petitioner

-vs-

- 1.The District Collector
Office of the District Collector
Sivagangai District
- 2.The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Devakottai Revenue Division, Sivagangai District
- 3.The Tahsildar
Office of the Tahsildar
Devakottai Taluk, Sivagangai District
- 4.Village Administrative Officer
Nedodai Village Group
Devakottai Taluk, Sivagangai District
- 5.C.Udaiyammai
- 6.C.Skylap
- 7.C.Balamurugan
- 8.C.Kalarani

... 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 by the respondents 5 to 8 in Survey No.120/2A2, which classified as Nilaviyal Kulakkal in revenue records, in Nedodai Village, Devakottai Taluk in Sivagangai District, in accordance with law, within a time frame.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4
Mr.A.Prasanna Rajadurai for R5 to R7
Mr.G.Vidhya Maheswaran for R8

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 by the respondents 5 to 8 in Survey No.120/2A2 of Nedodai Village, Devakottai Taluk, Sivagangai District, which is classified as “Nilaviyal Kulakkal” in the revenue records, in accordance with law, within a time frame.

2. Today, when the matter was taken up for hearing, the learned Government Pleader appearing for the respondents 1 to 4 and the learned



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counsel appearing for the private respondents submitted that there is no encroachment made by the private respondents in the subject land, as projected by the petitioner and to that effect, the learned Government Pleader has also produced a copy of the enquiry report of the fourth respondent, dated 27.10.2022, before this Court.

3. The learned counsel for the petitioner stoutly refuted the above submissions and submitted that with regard to the subject matter, a suit in O.S.No.34 of 2022 is pending before the Sub Court, Devakottai.

4. Recording the above submission of the learned counsel appearing for the respondents and leaving it open to the petitioner to approach the authority concerned if any further encroachment is noticed in the subject land without prejudice to his rights in the pending suit, 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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