



W.P.(MD) No.23765 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.23765 of 2022

M.Ramalingam

... Petitioner

-Vs-

- 1.The District Collector,
Collectorate Complex,
Pudukkottai District.
- 2.The Special Tahsildar,
(Nattam and Nilavari Scheme),
Pudukkotai Taluk, Pudukkottai District.
- 3.The Deputy Superintendent of Police,
Anti Land Grabbing Cell,
District Crime Branch,
Pudukkottai District.

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4.The Inspector of Police,
Anti Land Grabbing Cell,
District Crime Branch,
Pudukkottai District.

5.Saravanan

6.Prem

7.Anathi

8.Logambal

9.Amutha

10.Bhuvanesvari

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to complete enquiry on the proceedings in O.mu.13873/2022/Aa3 dated 17.05.2022 by the 1st respondent within a time frame fixed by this Court.

For Petitioner : Mr.S.Mohammad Kasim

For R1 & R2 : Mr.G.V.Vairam Santhosh

Additional Government Pleader

For R3 & R4 : Mr.T.Senthil Kumar

Additional Public Prosecutor

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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed, seeking a direction to the 2nd respondent to complete the enquiry on the proceedings in O.mu.13873/2022/Aa3 dated 17.05.2022 of the 1st respondent, within a time frame.

2.Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents 1 and 2 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor takes notice for the respondents 3 and 4. Considering the nature of order proposed to be passed, notice to the respondents 5 to 10 is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

4.The grievance of the petitioner is that the respondents 5 to 10 have encroached his property in Survey No.6101 /6 and 9A Nattam Village, Thirukokanam Taluk, Block No.92, Pudukkottai Taluk, Pudukkottai District.

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Hence, he made a representation dated 09.05.2022 to the respondents 1 to 3. In turn, the 1st respondent vide proceedings in O.Mu.13873/2022/Aa3, dated 17.05.2022, directed the 2nd respondent to take necessary action in this regard. However, no action has been taken so far. Hence, this Writ Petition.

5.The learned Additional Government Pleader for the respondents 1 and 2 submitted that the enquiry will be completed and appropriate action will be taken for removal of encroachment, if any.

6.Considering the limited scope of the prayer sought for herein, without going into the merits of the case, we direct the 2nd respondent to complete the enquiry on the proceedings of the 1st respondent in O.Mu. 13873/2022/Aa3, dated 17.05.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the 2nd respondent shall remove the same, after giving sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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7. With the above direction, this 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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