



W.P.(MD)No.25687 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.11.2022

CORAM

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

W.P(MD)No.25687 of 2022

Periyaiah

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District,
Pudukkottai.

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

3.The Tahsildar,
Aranthangi Taluk,
Pudukkottai District.

4.The Block Development Officer,
Aranthangi Panchayat Union,
Pudukkottai District.

5.Chinnadurai

6.Sathaiah

7.Rajathi

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 4 herein to remove the encroachment of respondents 5 to 7 herein in the government poramboke land in Survey No.100/42 and Survey No.100/48, Mukkudi Village, Aranthangi Taluk, Pudukkottai District, by complying the order of this Hon'ble High Court dated 19.04.2021 made in W.P.(MD) No. 8017/2021 and consequently direct the respondents 1 to 4 to cancel the assignment in favour of the respondents 5 to 7.

For Petitioner : Mr.V.S.Kumaraguru

For Respondents 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader

For 4th Respondent : Mr.P.Thilak Kumar
Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus, directing the respondents 1 to 4 herein to remove the encroachment made by the respondents 5 to 7 in the Government poramboke land in Survey Nos.100/42 and 100/48, Mukkudi Village, Aranthangi Taluk, Pudukkottai District, by complying the order of this Court, dated 19.04.2021, in W.P.(MD) No. 8017/2021 and consequently, to direct the respondents 1 to 4 to cancel the assignment in favour of the respondents 5 to 7.



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2. Heard Mr.V.S.Kumaraguru, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the 4th respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 5 to 7 is dispensed with.

4. According to the petitioner, the respondents 5 to 7 are preventing the ingress and egress of the petitioner and his family members to reach their properties through the Government Poramboke Road in Survey Nos.100/42 and 100/48, Mukkudi Village, Aranthangi Taluk, Pudukkottai District, by encroaching the same.

5. The said claim of the petitioner is denied by the learned Government Pleader appearing for the 4th respondent by



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producing the communication of the third respondent – Tahsildar, addressed to the 4th respondent – Block Development Officer in Na.KA.No.4272/2020/Aa3, dated 09.09.2021, wherein, it is specifically mentioned that as per the revenue record, the property in S.No.100/42 is a private patta land of the wife of the 5th respondent and Survey No.100/48 is a pathway and the survey conducted therein did not reveal any encroachment as pointed out by the petitioner.

6. On the other hand, the learned counsel for the petitioner still insisted that the property in S.No.100/42 is not a private patta land and the assignment made in favour of the respondents 5 to 7 by the 3rd respondent was made without obtaining no objection from the 4th respondent or conducting any local enquiry and without following due process of law.

7. Considering the submissions made on either side and in order to give a quietus to the issue, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the



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second respondent to consider the representation of the petitioner dated 30.12.202, and pass appropriate orders on merits and in accordance with law. If there is any encroachment, the same shall be removed by the authorities concerned, after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
14.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
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J.SATHYA NARAYANA PRASAD, J.

sj

4.The Block Development Officer,
Aranthangi Panchayat Union,
Pudukkottai District.

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