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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.12.2022**

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P(MD)NO.26173 OF 2022
and
W.M.P(MD)Nos.20339 and 20340 of 2022**

1.C.Muthuraj

2.M.Muthu Lakshmi

:Petitioners

.vs.

1.The Tahsildar,
Srivilliputhur,
Virudhunagar District.

2.The Block Development Officer,
Srivilliputhur,
Virudhunagar District.

3.The President,
Ayan Nachiyar Kovil Panchayat, Grade-II,
Srivilliputhur Taluk,
Virudhunagar District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the impugned order of the third respondent, dated 9.11.2022 and to quash the same.



For Petitioners	:Mr.M.Murugan
For Respondent-1	:Mr.M.Sarangan Addl.Govt.Pleader
For Respondents 2 and 3	:Mr.V.Nirmal Kumar Govt.Advocate

O R D E R

(Order of the Court was made by D.KRISHNAKUMAR,J)

The Writ Petitioners have challenged the impugned order, dated 9.11.2022 passed by the third respondent, directing the Petitioners to evict from the subject-mentioned property.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.According to the learned counsel appearing for the Petitioners, the Petitioners have cultivated cotton crops in the above said property and hence seeks time for harvesting the said cotton crops and thereafter, had voluntarily agreed to vacate from the above said property.

4.The learned AdditionalGovernment Pleader appearing for the first respondent, on instructions, accepted the same for granting



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time for harvesting the cotton crops ie.,a period of 50 days, till 25.01.2023. According to the learned Additional Government Pleader, after surveying only, the encroached property has been identified that the Petitioners have encroached upon the said property. The learned Additional Government Pleader has also enclosed the undertaking affidavit submitted by the Petitioners in the typed-set of papers and the above said undertaking given by the Petitioners is placed on record.

5.Recording the aforesaid submission, the Petitioners are permitted to continue the possession of the said land till the standing crops are being harvested and after harvest, the Petitioners are directed to hand over the possession of the encroached land to the respondents on or before 25.01.2023, failing which, the respondents are directed to take possession of the said property

6.With the above directions, the Writ Petition stands disposed of. No costs.Consequently, connected Miscellaneous Petitions are closed.

[D.K.K.,J.] [R.V.,J.]
05.12.2022



Index:Yes/No

Internet:Yes/No

vsn

To

- 1.The Tahsildar,
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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

vsn

ORDER MADE IN

W.P(MD)NO.26173 OF 2022

and

W.M.P(MD)Nos.20339 and
20340 of 2022

05.12.2022