



W.P(MD)No.26664 of 2022

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 25.11.2022**

**CORAM:**

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

**W.P(MD)No.26664 of 2022  
and  
W.M.P(MD)No.20859 of 2022**

1.Puspavalli  
2.Kumar  
3.Pitchai

... Petitioners

vs.

1.The District Collector,  
Office of the Collectorate,  
Madurai District.  
  
2.The District Revenue Officer,  
Office of the Collectorate Complex,  
Madurai District.  
  
3.The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Thirumangalam,  
Madurai District.  
  
4.The Tahsildar,  
Office of the Tahsildar,  
Thirumangalam,  
Madurai District.

5.Lakshmi

... Respondents



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**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, calling for the records pertaining to the impugned order of the fourth respondent in Na.Ka.No.1253/2021/E2, dated 15.11.2022 and quash the same.

For Petitioners : Mr.S.Ramsundarvijayraj  
For RR 1 to 4 : Mr.S.P.Maharajan  
Special Government Pleader

**ORDER**

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

Challenging the impugned order passed by the fourth respondent in Na.Ka.No.1253/2021/E2, dated 15.11.2022, the petitioners have filed the present Writ Petition.

2.The learned counsel appearing for the petitioners submitted that earlier the fifth respondent herein filed a Writ Petition in W.P(MD)No.1312 of 2019 seeking removal of encroachments in Survey No.249/112A situated at Veerapatti Village, Thirumangalam Taluk, Madurai District based on the notice issued by the second respondent, dated 07.03.2018 and this Court



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by order dated 12.07.2019, holding that the revenue officials having initiated proceedings for removing the encroachment, which also ended in passing final order under Section 6 of the Land Encroachment Act, 1905, nothing survives in this Writ Petition to be adjudicated upon further, closed the said Writ Petition. Subsequently, the fifth respondent filed another Writ Petition in W.P(MD)No.5424 of 2021, to direct the respondents 1 to 3 therein to remove the encroachments made by the respondents 4 to 6 in the Government public street situated in Survey No.249/112A of Veerapatti Village and this Court, by order, dated 24.08.2021, disposed of the said Writ Petition with a direction to the second respondent therein to comply with the order passed under Section 6 of the Land Encroachment Act, 1905, as expeditiously as possible.

3.The learned counsel appearing for the petitioners further submitted that when there were several other encroachers, the fifth respondent repeatedly filed Writ Petitions only against the petitioners to remove the encroachment ignoring the fact that she is also an encroacher and that the place in question is a Grama Natham. Subsequently, one Muthuramalingam filed a Writ Petition in W.P(MD)No.23159 of 2021 to remove the encroachment made in the entire Veerapatti Village of Thirumangalam



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Taluk, Madurai District, wherein, the fourth respondent / the Tahsildar filed a status report on 28.01.2022 stating that since the place of encroachments are classified as Grama Natham, the said encroachments can be regularized subject to payment of appropriate charges. Based on the abovesaid communication, dated 28.01.2022, the petitioners requested the revenue authorities to regularise their encroachments by paying necessary charges for the same and to issue patta in favour of the petitioners. In the meantime, the fifth respondent filed a Cont.P(MD)No.1838 of 2021 to implement the order made in W.P(MD)No.1312 of 2019. Pending the contempt petition, the fourth respondent issued the impugned notice, dated 15.11.2022. Challenging the same, the petitioners have filed the present Writ Petition.

4.Heard the learned counsel appearing on either side.

5.Perusal of the materials available on record, it is seen that the impugned proceedings came to be issued only pursuant to the order passed by this Court in W.P(MD)Nos.1312 of 2019 and 5424 of 2021 and subsequent to the filing of the contempt petition in Cont.P(MD)No.1838 of 2021, which was filed by the fifth respondent herein, we are not inclined to



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entertain this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

**[R.M.D.,J.] [J.S.N.P.,J.]**  
**25.11.2022**  
**(1/2)**

Index : Yes / No  
Internet : Yes  
ps

To

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**R.MAHADEVAN,J.**  
**and**  
**J.SATHYA NARAYANA PRASAD,J.**

ps

**ORDER MADE IN**  
**W.P(MD)No.26664 of 2022**

**DATED : 25.11.2022**  
**(1/2)**