



W.P.(MD) No.26634 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.26634 of 2022

and

W.M.P.(MD) No.20836 of 2022

G.Rajendran

... Petitioner

Vs.

- 1.The District Collector,
District Collector Officer,
Thanjavur.
- 2.The District Revenue Officer,
Thanjavur Collectorate Complex,
Thanjavur District.
- 3.The Assistant Director,
Highways Department,
Thanjavur.



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4.Revenue Divisional Officer,
Revenue Divisional Office,
Near by the Tanjavur Court Complex,
Thanjavur.

5.The Tahsildar,
Taluk Office,
Thanjavur.

6.The Block Development Officer,
Thanjavur District,
Thanjavur.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing respondents 2 to 6 from dispossessing the petitioner's occupation in his shop situated in Old Survey No.62/2A now wrongly comprised in Survey No.65 of Mariamman Kovil Village, Thanjavur District, without any acquisition proceedings as per law under guise of removal of encroachment.

For Petitioner : Mr.J.Anandkumar

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1 to R5

: Mr.G.V.Vairam Santhosh
Additional Govt. Pleader for R6



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ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, forbearing the respondents 2 to 6 from dispossessing the petitioner's occupation in his shop situated in Old Survey No.62/2A now wrongly comprised in Survey No.65 of Mariamman Kovil Village, Thanjavur District, without any acquisition proceedings as per law under the guise of removal of encroachment.

2. Heard Mr.J.Anandkumar, learned counsel for the petitioner, Mr.V.Nirmal Kumar, learned Government Advocate, who takes notice for the respondents 1 to 5 and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for the sixth respondent.

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



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4. The learned counsel appearing for the petitioner submitted that without initiating the land acquisition proceedings, the respondents are now taking steps to take possession of the petitioner's land under the guise of removal of encroachment and hence, the petitioner has filed this Writ Petition.

5. The learned Additional Government Pleader appearing for the sixth respondent, on instructions, submitted that this writ petition itself is prematured, since only survey has been conducted in the place in question. He further submitted that only upon completion of enquiry, after providing opportunity of hearing to the petitioner, further course of action will be taken by following due process of law. Thus, the apprehension of the petitioner is unfounded.

6. Thus, recording the above submission, this Writ Petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

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

vsm

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

vsm

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