



W.P.(MD)No.27095 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2022

CORAM

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

W.P(MD)No.27095 of 2022

Ayyanar

... Petitioner

Vs.

1.The District Collector,
Sivagangai,
Sivagangai District.

2.The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

3.Saravanan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 and 2 to remove the encroachments made in the Government poramboke land situated in front of the Eeswaran & Ayyanar Temple in S.Nos.176, 186 & 187 and Kovil Maniyam Land in S.Nos. 127/2, S.Nos.10A1 & 10A2 and S.Nos.10B1 & 10B2 in Keeladi Village, Thirupuvanam Taluk, Sivagangai District and restore the patta and other revenue records in the earlier position based on the petitioner's village people representations dated 30.07.2021 and 05.11.2022.



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For Petitioner : Mr.S.Vellaichamy

For Respondents 1 & 2 : 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 and 2 to remove the encroachments made in the Government poramboke land situated in front of the Eeswaran & Ayyanar Temple in S.Nos.176, 186 & 187 and Kovil Maniyam Land in S.Nos. 127/2, S.Nos.10A1 & 10A2 and S.Nos.10B1 & 10B2 in Keeladi Village, Thirupuvanam Taluk, Sivagangai District, and to restore the patta and other revenue records to the earlier position, based on his village people representations dated 30.07.2021 and 05.11.2022.

2. Heard Mr.S.Vellaichamy, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 & 2. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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

4. Alleging that the 3rd respondent and others have made encroachment in the Government poramboke land situated in front of the Eeswaran & Ayyanar Temple in S.Nos.176, 186 & 187 and Kovil Maniyam Land in S.Nos.127/2, S.Nos.10A1 & 10A2 and S.Nos.10B1 & 10B2 in Keeladi Village, Thirupuvanam Taluk, Sivagangai District, by illegally getting patta, the petitioner's village people submitted a representation dated 30.07.2021, followed by another representation dated 05.11.2022, to the official respondents and the same, according to the learned counsel for the petitioner, remain as such. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the 2nd respondent to dispose of his representations dated 30.07.2021 and 05.11.2022, within a time frame.



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6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner's village people, either in the representations or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the 2nd respondent to consider the representations of the petitioner's village people dated 30.07.2021 and 05.11.2022, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the 3rd respondent and any other parties concerned, the authorities shall take necessary action for removal of the encroachment, after affording an opportunity of hearing to all the parties and by following due process of law. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
30.11.2022

Internet : Yes / No

Index : Yes / No

sj



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To

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Sivagangai,
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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