



W.P.(MD) No.27354 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.27354 of 2022

K.Subbaiah

... Petitioner

-Vs-

- 1.The District Collector,
Sivagangai District
Sivagangai.
- 2.The Revenue Divisional Officer,
Devakottai Sub Division,
Sivagangai District.
- 3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.
- 4.The Block Development Officer,
Kallal Union, Sivagangai District.
- 5.Valli
- 6.K.Chandru
- 7.S.Kalaiyappan

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8.K.Vadamalai
9.V.Revathy
10.K.Dhanapal
11.D.Karthika

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the illegal encroachment made by the respondents 5 to 11 in S.Nos.246/1, 246/2, 246/3, 246/4, 246/5 and 246/6 in Poiyalur Village, Kallal Union, Sivagangai District, by cancelling the forged patta in the name of the respondents 5 to 11 on the basis of the petitioner's representation dated 17.11.2022.

For Petitioner : Mr.R.Shankar Ganesh
For R1 to R4 : Mr.P.Thilak Kumar,
Government Pleader

ORDER

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

This Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents 1 to 4 to remove the illegal encroachment made by the respondents 5 to 11 in S.Nos.246/1, 246/2, 246/3, 246/4, 246/5 and 246/6 in Poiyalur Village, Kallal Union, Sivagangai District, by cancelling the forged

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patta in the name of the respondents 5 to 11 on the basis of the petitioner's representation dated 17.11.2022 within a time frame.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 to 4. Considering the nature of order proposed to be passed in this Writ Petition, notice to the respondents 5 to 11 is dispensed with.

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

4.According to the petitioner, the respondents 5 to 11 made encroachment in the lands in question. Hence, he sent a representation dated 17.11.2022 to the official respondents, seeking removal of the same. Finding inaction on the part of the official respondents, this Writ Petition is filed.

5.The learned Government Pleader for the respondents 1 to 4 has produced the proceedings of the 3rd respondent in Na.Ka.Aa5/6173/2021, dated



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WEB CONTENT

31.05.2022 communicated to the 2nd respondent, wherein, it was recommended to cancel the patta granted to the respondents 6, 8 to 11 and on instructions, he submitted that the representation of the petitioner dated 17.11.2022 would be considered on merits and appropriate action would be taken for removal of encroachment, if any, in the place in question by following due process of law, within a time frame.

6.In view of the above, without going into the merits of the case, this Court directs the authorities concerned to consider the representation of the petitioner dated 17.11.2022 and pass appropriate orders in the light of the proceedings of the 3rd respondent dated 31.05.2022 on merits and in accordance with law. If there is any encroachment in the place in question, the same would be removed by the authorities concerned, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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7. With the above direction, this Writ Petition stands disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
01.12.2022

Index : Yes / No
Internet : Yes / No
Myr

To

1. The District Collector,
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