



W.P(MD)No.27968 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

CORAM :

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

W.P(MD)No.27968 of 2022

P.Radha Krishnan

... Petitioner

vs.

1. The District Collector,
Office of the District Collector,
Sivagangai District-630 562.

2. The Tahsildar,
Office of the Tahsildar,
Ilayangudi Taluk,
Sivagangai District-630 702.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to take necessary action to remove the encroachments made by the private individuals upon Survey No.350 at Salaigramam Village, Ilayangudi Taluk, Sivagangai District in accordance with law within the time stipulated by this Court.



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For Petitioner

: Mr.I.Sabeer Mohamed

For R1 & R2

: Mr.P.Thilakkumar

Government Pleader

ORDER

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

The petitioner has filed this writ petition for issuance of a Writ of Mandamus, directing the respondents to take necessary action to remove the encroachments made by the private individuals upon Survey No.350 at Salaigramam Village, Ilayangudi Taluk, Sivagangai District in accordance with law within a time frame.

2. Learned counsel for the petitioner submitted that the encroachers in the aforesaid survey number filed W.P(MD)Nos.18006 to 18010 of 2022 and this Court by order dated 10.08.2022 has issued the following directions:-

"7. It is in the said circumstances, this Court is inclined to dispose of the Writ Petition with the following directions:-

(i) The District Collector, Sivagangai District - 1st respondent



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is directed to consider the appeals filed by the petitioners dated 16.07.2022, under Section 10 of the Tamil Nadu Land Encroachment Act, 1905 and pass orders on merits and in accordance with law within a period of three months from the date of receipt of a copy of this order.

(ii) Till such time, the appeals preferred by the petitioners are disposed of, the respondents shall not forcibly evict the petitioners from the premises."

3. Learned counsel further submitted that pursuant to the aforesaid order, the 1st respondent/District Collector has directed the Tahsildar to measure the property in question by serving a notice to the encroachers and file a report to him. The petitioner also made a representation on 07.11.2022 by citing the aforesaid Division Bench judgment and requested to take necessary action for removal of encroachment in the water bodies, but he has not received any reply. Hence, this writ petition.

4. Learned Government Pleader appearing for the respondents submitted that the aforesaid order passed by the Division



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Bench will be strictly complied with by the District Collector and an opportunity will be granted to the encroachers by measuring the property in question and if any encroachment is found, action will be taken for removal of the same within a time frame.

5. Recording the above submission made by the learned Government Pleader, this writ petition is disposed of directing the respondents to measure the property in question and if any encroachment is found, the same shall be removed within a period of two weeks from the date of receipt of a copy of this order. No costs.

[D.K.K.,J.] & [R.V.,J.]
13.12.2022

Index : Yes / No

Internet : Yes

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To

1. The District Collector,
Office of the District Collector,
Sivagangai District-630 562.

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2. The Tahsildar,
Office of the Tahsildar,
Ilayangudi Taluk,
Sivagangai District-630 702.



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D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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ORDER MADE IN
W.P(MD)No.27968 of 2022
DATED : 13.12.2022