



W.P.(MD) No.27930 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.27930 of 2022

and

W.M.P.(MD)No.22020 of 2022

St.Joseph's Higher Secondary School,

and Jericho Training Centre for the Blind & Handicapped,

Represented by its Correspondent,

Fr.A.J.Anbarasan

... Petitioner

-Vs-

1.The District Collector,

District Collector's Office,

Trichy-1, Trichy District.

2.The Tahsildar,

Taluk Office,

Srirangam Taluk, Trichy District.

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3.The District Revenue Officer,
D.R.O. Office, Trichy, Trichy District.

4.R.Senthilkumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the 1st respondent proceedings made in Mu.Mu.AA1/19445/2022, dated 07.11.2022, quash the same and further directing the respondents 1 and 2 to follow the procedure contemplated under Land Encroachment Act, 1905.

For Petitioner : Mr.R.Sakthivel
For R1 to R3 : Mr.K.Balasubramani,
Special Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Challenging the order dated 07.11.2022 passed by the 1st respondent, dismissing the appeal filed by the petitioner, this Writ Petition is filed, with a consequential direction to direct the respondents 1 and 2 to follow the procedure contemplated under the Tamil Nadu Land Encroachment Act, 1905.

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2. When the matter was taken up for hearing on 14.12.2022, after making elaborate submission, the learned counsel for the petitioner has given an undertaking before this Court that the petitioner will remove the building in the encroached portion in S.F.No.135, on or before 30.04.2023. Therefore, he was directed to file an undertaking affidavit before this Court. Pursuant to the same, today, when the matter was taken up for hearing, the learned counsel for the petitioner has filed an undertaking affidavit before this Court.

3. Recording the aforesaid undertaking affidavit filed by the petitioner, this Writ Petition stands disposed of. We make it clear that if the petitioner fails to remove the encroachment on or before 30.04.2023, the official respondents are at liberty to take action for removal of the encroachment in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
21.12.2022

Index : Yes / No

Internet : Yes / No

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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

Myr

To

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Trichy-1, Trichy District.
- 2.The Tahsildar,
Taluk Office,
Srirangam Taluk, Trichy District.
- 3.The District Revenue Officer,
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