



W.P.(MD).No.22675 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2022

CORAM:

**THE HONOURABLE MR.JUSTICE S.S. SUNDAR
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

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Packiyaraj

... Petitioner

Vs.

1.The District Collector,
Collectorate,
Sivagangai.

2.The Tahsildar,
Kalayarkovil Taluk,
Sivagangai District.

3.Karuppiah

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the first and second respondents to consider the representation of the petitioner, dated 04.09.2017, presented in the grievance day to the first respondent as Petition No.789209 and to order to evict the third respondent and to remove the encroachments made by the third respondent from the public street in Survey No.428/7-00090 sq.mrs. in 118 Somanathamangalam Group in Oothupatti Village in Kalayarkovil Taluk in Sivagangai District.



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For Petitioner : Mr.K.Rameshkumar
For R1 & R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

(Order of the Court was made by S.S.SUNDAR.J.,)

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner, dated 04.09.2017, presented in the Grievance Day to the first respondent as Petition No.789209 and to order to evict the third respondent and to remove the encroachments made by the third respondent from the public street in Survey No.428/7-00090 square meters in 118 Somanathamangalam Group in Oothupatti Village, Kalayarkovil Taluk, Sivagangai District.

2. Heard Mr.K.Rameshkumar, learned counsel for the petitioner and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 1 and 2.

3. The learned Additional Government Pleader appearing for the respondents 1 and 2 on instructions submitted that the petitioner has come forward to remove the encroachment from the public street in Survey No.428/7.



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It is submitted that the encroachment in Survey No.218/10 was removed on 04.01.2022. It is pertinent to mention that the encroachment alleged in the writ petition is in Survey No.428/7 in Oothupatti Village, Kalayarkovil Taluk, Sivagangai District.

4. Considering the limited scope of the prayer in the writ petition, this Court is inclined to direct the second respondent to consider the representation of the petitioner regarding removal of encroachment in Survey No.428/7 in Oothupatti Village, Kalayarkovil Taluk, Sivagangai District, after following the procedure. It is needless to say that the second respondent shall conduct a survey after issuing notice to the petitioner as well as the third respondent and proceed further under Tamil Nadu Land Encroachment Act, 1905, if it is found that there is encroachment.

5. With the above direction, this Writ Petition is disposed of. No costs.

**[S.S.S.R.J.] [S.S.Y.J.,]
23.08.2022**

Index : Yes / No
Internet: Yes / No

akv



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