



WEB COPY



W.P.No.14390 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.05.2023

CORAM

THE HONOURABLE Mr.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE Mr.JUSTICE C.SARAVANAN

W.P.No.14390 of 2023
and W.M.P.Nos.13902 & 13903 of 2023

V.Subramaniyan

... Petitioner

Vs.

1.The District Collector
Villupuram District
Villupuram

2.The Revenue Divisional Officer
Villupuram

3.The Tahsildar
Vanur Taluk
Villupuram District

4.C.Angalan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a WRIT OF CERTIORARI to call for the records relating to the impugned order passed by the third respondent dated 12.01.2023 in respect of the property comprised in S.No.240/20 situated at Eraiyur Village, Vanur Taluk, Villupuram District and to quash the same.



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For Petitioner : Mr.C.Prabakaran
For RR 1 to 3 : Mr.A.Selvendran
Special Government Pleader

ORDER

(Order of the Court was made by *A.D.JAGADISH CHANDIRA, J.*)

Seeking a direction to call for the records relating to the impugned notice dated 12.01.2023 passed by the third respondent in respect of the property comprised in S.No.240/20 situated at Eraiyur Village, Vanur Taluk, Villupuram District and to quash the same, the petitioner has filed the present writ petition.

2. It is the case of the petitioner that he has been in absolute possession and enjoyment of the property in S.No.242/20 situated in Eraiyur Village, Villupuram District, by putting up a small hut and also paying house tax regularly; while that being so, one Angalan filed W.P.No.27394 of 2022 seeking removal of encroachment in the said property in S.No.242/20, in which, this Court, by order dated 13.10.2022, disposed of the same directing the third respondent to conduct survey and remove the encroachment, if any, within eight weeks from the date of



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receipt of a copy of the order; thereafter, he filed a suit in O.S.No.60 of 2022 before the District Munsif Court, Vanur, for the relief of permanent injunction restraining the respondents from interfering with the peaceful possession of the subject property by him unless evicted by due process of law; during the pendency of the same, the third respondent issued two notices dated 10.11.2022 and 12.01.2023 under Section 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905, asking to vacate the subject property within fifteen days from the receipt of a copy of the same; he also has a decreetal order dated 15.02.2023 in his favour, despite which, he is facing eviction and therefore, he has preferred the present Petition with the above prayer.

3. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that pursuant to the order dated 13.10.2022 passed in W.P.No.27394 of 2022, after issuing due notice to the petitioner, encroachments have been removed as early as on 13.04.2023 and therefore, nothing survives in this petition for further adjudication.

4. The learned counsel for the petitioner submitted that in response to the impugned notice dated 12.01.2023, the petitioner has



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filed an appeal on 10.03.2023 before the District Collector, Villupuram District, first respondent herein. He further submitted that appropriate direction may be given to the first respondent to dispose of the appeal preferred by the petitioner within the stipulated time.

5. On the contrary, the learned Special Government Pleader submitted that he has no instructions with regard to the appeal being filed by the petitioner against the impugned notice. He further submitted that if any appeal is filed, the same will be disposed of within the specific time period fixed by this Court.

6. In such view of the matter, this writ petition stands closed with a direction to the first respondent to dispose of the appeal, if any, filed by the petitioner within eight weeks from the date of receipt of a copy of this order. No costs. Connected W.M.Ps. are closed.

[A.D.J.C., J.] [C.S.N., J.]
04.05.2023

nsd



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2.The Revenue Divisional Officer
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3.The Tahsildar
Vanur Taluk
Villupuram District



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A.D.JAGADISH CHANDIRA, J.
AND
C.SARAVANAN, J.

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