



W.P.Nos.15794, 15798 and 15802 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.05.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V. KARTHIKEYAN

and

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.Nos.15794, 15798 and 15802 of 2023 and
WMP.Nos.15233, 15234, 15236, 15241, 15242, 15243, 15244,
15246 and 15247 of 2023

Baskar

Ravichandran

Murugesan

.. Petitioner in WP.No.15794 of 2023

.. Petitioner in WP.No.15798 of 2023

.. Petitioner in WP.No.15802 of 2023

Versus

1. The State of Tamil Nadu,
Rep.by its Principal Secretary to Government,
Revenue (A1) Department,
Fort St.George, Chennai-600 009.
2. The District Collector,
Ariyalur District, Ariyalur.
3. The Revenue Divisional Officer,
Udyarpalayam Revenue Division,
Udayarpalayam, Ariyalur District.
4. The Tahsildar,
Udyarpalayam Taluk,
Udayarpalayam, Ariyalur District.



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5. The Commissioner / Block Development Officer,
Village Panchayat,
Jayamkondam Panchayat Union,
Ariyalur District - 600 009.

6. The Panchayat President,
Vanathirayanpattinam Village Panchayat,
Jayamkondam Panchayat Union,
Ariyalur District.

.. Respondents in all WPs

Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order dated 06.04.2023 in Na.Ka.No.1512/2021/A1 issued by the 3rd respondent and its consequential notice issued by the 6th respondent dated 10.04.2023 and quash the same and consequently forebear the respondents and their subordinates from interfering with the peaceful possession and enjoyment of the petitioner and his residential house in S.No.260/9 to an extent of 2035 sq.ft., 0.07 cents and 0.09.5 cents, 7 cents respectively situated at VaVanathirayanpattinam Village, Udayarpalayam Taluk, Ariyalur District.

For Petitioners : Mr.Gothandaraman
for Mr.S.Manikandan in all WPs
For Respondents : Ms.R.Anitha
Special Government Pleader in all WPs



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COMMON ORDER

WEB COPY(Order of the Court was made by **C.V.KARTHIKEYAN, J.**)

These Writ Petitions have been filed consequent to an earlier order in W.P.No.7258 of 2023, wherein by order dated 10.03.2023, the Division Bench had recorded as follows:

"Recording the aforesaid submission made by learned State Government Pleader, the writ petition is disposed of with a direction to the respondent authorities to conduct a survey of the lands in question with the assistance of the jurisdictional Surveyor and, if any encroachment is found, the same shall be removed after notice to the encroachers

The entire exercise is to be completed within a period of six weeks from the date of receipt of a copy of this order. There will be no order as to costs."

2.Following such direction issued, survey was conducted on 31.03.2023 and report was filed. Thereafter the impugned notice has been issued on 10.04.2023. In the Impugned Notice, it had been stated that if the encroachment was not removed within 15 days, there will be forcible eviction. The Petitioners should be given an opportunity to give an explanation and after examining their explanation, the respective Respondents can proceed in the manner known to law. Therefore, we convert the Impugned Order as a notice issued to the Petitioners directing them to give an explanation. Such explanation must be given within a period of two weeks



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from the date of receipt of a copy of this order and thereafter the Respondents may examine such reply and proceed in a manner known to law as per the directions in the earlier Writ Petition, within a further period of two weeks. Till such time, no further coercive steps shall be taken against the Petitioners herein.

6. These Writ petitions stand disposed of with the aforesaid directions.

Consequently, connected WMP's are closed.

[C.V.K., J.] [S.K.R., J.]
18.05.2023

Index : Yes / No
Internet: Yes / No
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To

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and
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