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W.P.Nos.4921 & 5149 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2023

CORAM

**THE HON'BLE MR.JUSTICE R.MAHADEVAN
and
THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.Nos.4921 & 5149 of 2016

and

W.M.P.No.7762 & 4267 of 2016

W.P.No.4921 of 2016

K.Sridhar

...Petitioner

Vs

1.The District Collector,
Villupuram.

2.The Revenue Divisional Officer,
Villupuram.

3.The Thahsildhar,
Villupuram.

4.The Executive Engineer,
P.W.D.,
East Pennaiyar Irrigation Division,
Villupuram.

5.R.Babu

... Respondents



W.P.Nos.4921 & 5149 of 2016

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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachments caused by the 5th respondent in Survey No.481 and in Survey No.80 situated at Palliputhupattu Village, Mandagapattu Post, Villupuram District.

For Petitioner : Mr.N.Suresh.

For Respondents : Mr.A.Selvendran, Special Government
Pleader for R1 to R4.

W.P.No.5149 of 2016

Prabhakar Jayaraj

...Petitioner

Vs

1.The District Collector,
Villupuram District,
Villupuram.

2.The Superintendent of Police,
Villupuram District,
Villupuram.

3.The Inspector of Police,
Thirunavaloore Police Station,
Thirunavaloore,
Villupuram District.



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4.Shri.Tirupathy

5.Shri Yesakan

6.Shri Dhamodharan

(R4 to R6 are impleaded as per order dated
11.02.2016 by SKAJ & MVJ in W.P.No.5149
of 2016 and W.M.P.No.3457 of 2016 in
W.P.No.SR147760 of 2015)

7.M.Venkatesan

8.T.Kaliyamoorthy

9.P.Sekar

(R7 to R9 are impleaded as per order dated
14.03.2016 by SKAJ & MVJ in W.M.P.No.
7762 of 2016 in W.P.No.5149 of 2016)

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
praying for a Writ of Mandamus directing the respondents to remove the
encroachments in the Odai poramboke in between Survey No.185 & 154,
Thirunavaloor Village, Villupuram District including illegal cultivation, based
on the petitioner's representations dated 27.11.2014, 30.01.2015, 12.10.2015
& 16.10.2015.

For Petitioner : Mr.B.Rabu Manohar.



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W.P.Nos.4921 & 5149 of 2016

For Respondents : Mr.A.Selvendran, Special Government
Pleader for R1 to R3.

COMMON ORDER

[Order of the Court was made by R.MAHADEVAN,J,]

The prayer made in WP.No.4921 of 2016 is to issue a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachments caused by the 5th respondent in Survey Nos.481 and 80 situated at Palliputhupattu Village, Mandagapattu Post, Villupuram District.

The prayer made in WP.No.5149 of 2016 is to issue a writ of mandamus, directing the respondents to remove the encroachments in the Odai poramboke in between Survey Nos.185 & 154, Thirunavalloor Village, Villupuram District including illegal cultivation, based on the petitioner's representations dated 27.11.2014, 30.01.2015, 12.10.2015 & 16.10.2015.

2.When these matters were taken up for consideration, the learned Special Government Pleader appearing for the respondent authorities drew the attention of this court to the counter affidavit filed by the fourth respondent in WP.No.4921 of 2016, and submitted that the encroachments in S.Nos.481 and 80 situated at Palliputhupattu Village, Mandagapattu and Post,



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Villupuram District have been removed on 24.02.2016 by the Junior Engineer, PWD/WRO Irrigation Section, Valavanur. In respect of WP.No.5149 of 2016, the learned Special Government Pleader has submitted that the land in S.No.184/1 classified as Odai Poramboke, was encroached by Thirupathiyan, Chinnaponnu, Kathalingam, Arumugam, Kannan by cultivating paddy and agricultural products and the Tahsildar, Ulundurpet, and as directed by the first respondent in his letter Dis.No.B5/23637/2014 dated 19.12.2014, removed the said encroachment on 26.02.2015. Thus, according to the learned Special Government Pleader, nothing survives for further adjudication in both the writ petitions.

3.The submissions so made on the side of the respondent authorities have been seriously refuted by the learned counsel for the petitioners. However, they submitted that it would suffice, if a direction is given to the respondent authorities to consider the representations dated 12.10.2015 and 26.10.2015 submitted by the petitioner in WP.No.4921 of 2016 and the representation dated 06.11.2015 submitted by the petitioner in WP.No.5149 of 2016 through his counsel, within a time to be stipulated by this court.



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4. In view of the above, this court, without going into the merits of the case, directs the respondent authorities to consider the representations dated 12.10.2015 and 26.10.2015 submitted by the petitioner in WP.No.4921 of 2016 and the representation dated 06.11.2015 submitted by the petitioner in WP.No.5149 of 2016 through his counsel, if not considered earlier and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to all the parties concerned, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that if there is any encroachment, the same shall be removed, after following due process of law.

5. With the above direction, both the Writ Petitions are disposed of .
No costs. Consequently, connected Miscellaneous Petitions are closed.

(R.M.D.,J.) (M.S.Q.,J.)
20.01.2023

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Index: Yes / No

Speaking Order / Non-speaking Order

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Neutral Citation: Yes / No

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