



W.P.No.27673 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.27673 of 2018

Chandru

.. Petitioner

Vs

1.The District Collector,
Namakkal District.

2.The Thasildar,
Rasipuram.

3.Natesan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents 1 and 2 to take appropriate action to remove the encroachment caused by the third respondent over the property comprised in S.F.No.252/5 Karkoodalpatti Village, Rasipuram Taluk, Namakkal District by considering the representation of the petitioner dated 4.8.2018 and 1.10.2018.



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For the Petitioner : Mr.R.Nalliyappan

For the Respondents : Mrs.R.Anitha
Spl. Government Pleader
for respondents 1 and 2

: Mr.R.Neelakandan
for respondent No.3

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

We have heard Mr.R.Nalliyappan, learned counsel for the petitioner; Mrs.R.Anitha, learned Special Government Pleader for respondents 1 and 2; and, Mr.R.Neelakandan, learned counsel for the third respondent.

2. Learned counsel for the petitioner submits that encroachment is made by the third respondent in Survey No.252/5.

3. Learned Special Government Pleader submits that Survey No.252/5 is classified as an "*assessed waste dry land*" in the village account. Since encroachment is found in the said land, order under



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Section 6 of the Tamil Nadu Land Encroachment Act, 1905 is passed. A suit was filed by the encroacher, however, he could not get any interim order. The encroachment has been removed on 12.12.2018.

4. As the encroachment is removed, nothing survives for consideration in the present writ petition.

5. The writ petition, as such, is disposed of. There will be no order as to costs.

(S.V.G., C.J.)

(D.B.C., J.)

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Index : Yes/No
Neutral Citation : Yes/No
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To

1.The District Collector,
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THE HON'BLE CHIEF JUSTICE
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D.BHARATHA CHAKRAVARTHY,J.

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