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W.P.(MD) No.2242 of 2023



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

W.P(MD)No.2242 of 2023

M.Ganesan

... Petitioner

-VS-

1.The District Collector,
Virudhunagar District.

2.Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukottai.

3.The Tahsildar,
Aruppukottai.

4.Azhagammal

5.Panneer Selvi

6.The Special Tahsildar,
Adi Dravidar Welfare,
Aruppukottai.

... Respondents

(6th respondent is *suo motu*
impleaded as per the order of
this Court, dated 03.02.2023)



W.P.(MD) No.2242 of 2021

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to initiate appropriate action against the encroachment made by the 4th and 5th respondents at Indira Colony, Vaddhuvarpatti, Aruppukottai, Virudhunagar within a time frame fixed by this Court.

For Petitioner : Mr.A.Sivasubramanian
For R1 to R3 & R6: Mr.V.Nirmalkumar
Additional Government Pleader

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

Mr.M.Ganesan, S/o.Mayazhagu, Vadhuvarpatti Post, Aruppukottai Circle, Virudhunagar District, has filed this Writ Petition for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to initiate appropriate action against the encroachment made by the respondents 4 & 5 at Indira Colony, Vaddhuvarpatti, Aruppukottai, Virudhunagar within a time frame to be fixed by this Court.



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2. Heard the learned counsel on either side and perused the materials available on record.

3. Learned counsel appearing for the petitioner in support of the prayer by drawing notice to the proceedings dated 04.05.2021 issued by the Tahsildar, Aruppukottai, addressed to the petitioner, submitted that there are encroachments in the place in question and appropriate steps will be taken for removal of the same, but according to the petitioner, till date, no action has been taken for removal of the encroachments. Hence this writ petition.

4. Mr.V.Nirmalkumar, learned Additional Government Pleader appearing for the respondents 1 to 3 and 6 submitted that since the place in question falls within the jurisdiction of the Special Tahsildar, Adi Dravidar Welfare, Aruppukottai, he alone has got jurisdiction to remove the encroachment therein, but the petitioner has not made him as party in this writ petition.

5. In view of the said submission, we *suo motu* implead the Special Tahsildar, Adi Dravidar Welfare, Aruppukottai, as 6th respondent in the writ petition for the purpose of giving a



direction to remove the encroachment as per the proceedings dated, 04.05.2021 of the Tahsildar, Aruppukottai. Registry is directed to carry out necessary amendments in the cause title.

6. In view of the above, both the Tahsildar, Aruppukottai and the Special Tahsildar, Adi Dravidar Welfare, Aruppukottai, respondents 3 and 6 respectively, are directed to remove the encroachment in the place in question, as per the proceedings dated 04.05.2021 of the 3rd respondent, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition stands disposed of. No costs.

[T.R., A.C.J.] [D.K.K., J.]
03.02.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes
bala/am



W.P.(MD) No.2242 of 2021

To

1.The District Collector,
Virudhunagar District.

2.Revenue Divisional Officer,
Revenue Divisional Office,
Aruppukottai.

3.The Tahsildar,
Aruppukottai.

4.The Special Tahsildar,
Adi Dravidar,
Aruppukottai.



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T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

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