



W.P.(MD) No.2853 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.2853 of 2023

K.Koodalingam

... Petitioner

-Vs-

- 1.The District Collector,
Virudhunagar, Virudhunagar District.
- 2.The Assistant Director,
Department of Survey,
Virudhunagar Collectorate Campus,
Virudhunagar, Virudhunagar District.
- 3.The Revenue Division Officer,
Sivakasi-Sub-Division,
Sivakasi-Taluk, Virudhunagar District.

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4.The Thasildar,

Office of the Thasildar,

Watrap Taluk, Virudhunagar District.

5.The Head Surveyor,

Office of the Tahsildar,

Department of Survey,

Watrap Taluk, Virudhuangar District.

6.The Block Development Officer,

Watrap Taluk, Virudhunagar District.

7.Kalimuthu

8.Kalimuthu

9.Murugan

10.Mariyappan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 6th respondent to implement and remove the encroachment according to the 4th respondent's order in Na.Ka.No.A4/5248/2022.

For Petitioner : Mr.S.M.Ramasiva

For R1 to R5 : Mr.K.Balasubramani,

Special Government Pleader

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For R6

: Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed for a direction to the 6th respondent to implement the order of the 4th respondent made in Na.Ka.No.A4/5248/2022, directing the 6th respondent to remove the encroachment made by the respondents 7 to 10 in Survey Nos.622/3 and 622/4 at Indra Colony, Seelanayakkanpatti, Muvaraivendran Village, Watrap Taluk, Virudhunagar District within a period of two weeks.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.K.Balasubramani, learned Special Government Pleader takes notice for the respondents 1 to 5 and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the 6th respondent. Considering

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the nature of order proposed to be passed in this Writ Petition, notice to the respondents 7 to 10 is dispensed with.

4.The learned Additional Government Pleader appearing for the 6th respondent submitted that the 6th respondent has received the proceedings of the 4th respondent made in Na.Ka.No.A4/5248/2022 only on 10.02.2023 and based on the said proceedings, necessary action would be taken for removal of the encroachment in the place in question after issuing notice to the parties concerned and by following due process of law.

5.In view of the aforesaid submission, we direct the 6th respondent to remove the encroachment in the place in question after affording sufficient opportunity of hearing to all the parties concerned and by following due process of law, within a period of four weeks from the date of receipt of a copy of this order.



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6. With the above direction, the Writ Petition stands disposed of. No costs.

[D.K.K., J.] & [L.V.G., J.]

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No

MYR

To

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AND
L.VICTORIA GOWRI, J.

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