



W.A.(MD) No.580 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.11.2023

CORAM

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

W.A.(MD) No.580 of 2021
and C.M.P.(MD) No.2631 of 2021

N.Nagarajan

... Appellant/Writ Petitioner

-Vs.-

1.The Revenue Divisional Officer,
Revenue Divisional Office,
Thirumangalam,
Madurai District.

2.The Tahsildar,
Tahsildar Office,
Thirumangalam,
Madurai District.

3.The Head Surveyor,
Tahsildar Office,
Thirumangalam,
Madurai District.

4.The Thirumangalam Municipality,
Rep. through its Commissioner,
Thirumangalam,
Madurai District.

5.R.Parameswari
(R5 impleaded vide order of the Court
dated 23.11.2023 made in C.M.P.(MD)

... Respondents/Respondents



W.A.(MD) No.580 of 2021

No.11038 of 2021 in W.A.(MD) No.
580 of 2021 by SMSJ & VLNJ)

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PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order dated 04.12.2020 made in W.P.(MD)No.17566 of 2020 on the file of this Court.

For Appellant : Mr.N.Sathish Babu

For Respondents : Mr.M.Lingadurai
Special Government Pleader
for R1 to R3

Mr.A.Kannan,
Standing Counsel for R4

Mr.V.Panneer Selvam for R5

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The order impugned dated 04.12.2020 passed in W.P.(MD) No. 17566 of 2020 is sought to be set aside in the present Writ Appeal.

2. The writ petitioner is the appellant before us. The Writ was instituted to direct the respondents 1 and 2 to consider the representation dated 16.09.2020 in respect of rectification of entry in revenue records relating to T.S.No.219, measuring to an extent of 36 Square Metres in Ward-C, Block No.20, Sundara Konar Street, Thirumangalam Town, Madurai District.



W.A.(MD) No.580 of 2021

3. Learned Single Judge without going into the merits of the case, directed the authorities concerned to conduct field inspection, take photograph and videograph and if they found that there is a lane and it does not belong to the appellant actions are to be initiated. The appellant was granted liberty to approach the Civil Court. While so, the appellant was directed to pay a cost of Rs.1,00,000/-, if it is found that the subject property is a lane, in which the appellant has made encroachment.

4. Since liberty was granted to the petitioner to approach the Civil Court, cost imposed is unnecessary is the ground raised by the learned counsel appearing for the appellant.

5. We are in agreement with the arguments as advanced on behalf of the appellant. Learned Single Judge has directed the authorities to conduct field inspection. It is brought to our notice that survey has been conducted. If any encroachments are identified, the authorities competent shall proceed with the removal of such encroachment by following the procedures as contemplated under the relevant statute. Such a procedure is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.



W.A.(MD) No.580 of 2021

6. With the above directions, the costs imposed alone is deleted and the order impugned dated 04.12.2020, passed in W.P.(MD) No.17566 of 2020 stands modified and the Writ Appeal stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

[S.M.S.J.] & [V.L.N.J.]
23.11.2023

NCC :Yes/No
Index :Yes/No
SJ

To

1.The Revenue Divisional Officer,
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Madurai District.

2.The Tahsildar,
Tahsildar Office,
Thirumangalam,
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3.The Head Surveyor,
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W.A.(MD) No.580 of 2021

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AND
V. LAKSHMINARAYANAN, J.

SJ

W.A.(MD) No.580 of 2021

23.11.2023