



W.P.(MD) No.6062 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.6062 of 2023

N.Subbiah

... Petitioner

-vs-

1.The District Collector
Sivagangai
Sivagangai District

2.The Tahsildar
Thiruppathur
Sivagangai District

3.The Block Development Officer
Kallal, Thiruppathur Taluk
Sivagangai District

4.The President
N.Kilaiyur Panchayat
Thiruppathur Taluk
Sivagangai District

5.Meiyappa Konar

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachment put up by the fifth respondent in Survey No.31/35 at Mel Avanthipatti Village, N.Kilaiyur, Thiruppathur Taluk, Sivagangai District.

For Petitioner : Mr.R.Velmurugan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R2
Mr.A.Baskaran
Additional Government Pleader for R3 & R4
Mr.M.Saravanan for R5

ORDER

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

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 & 2; Mr.A.Baskaran, learned Additional Government Pleader, takes notice for the respondents 3 & 4 and Mr.M.Saravanan, learned counsel, takes notice for the fifth respondent.

2. The petitioner seeks a mandamus for removal of encroachment in Survey No.31/35 of Mel Avanthipatti Village, N.Kilaiyur, Thiruppathur Taluk, Sivagangai District.



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3. Learned Special Government Pleader appearing for the respondents 1 & 2, upon instructions, would submit that the land in Survey No.31/35, corresponding to Old Survey No.31/6 Part, is classified as “Natham”. A certificate to that effect issued by the Village Administrative Officer has also been produced.

4. If the land is classified as “Natham”, we do not think that the mandamus sought for could be granted to enable the Government to take proceedings under the Tamil Nadu Land Encroachment Act, 1905. Hence, this writ petition is dismissed. No costs.

[R.S.M., J.]

[L.V.G., J.]

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

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