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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**W.P(MD)No.20129 of 2014
and
MP(MD)No.1 of 2014**

N.Damodharan

... Petitioner

Vs.

1.The District Collector,
Trichy.

2.The Revenue Divisional Officer,
Musiri, Trichy District.

3.The Block Development Officer,
Panchayath Union Office,
Thathayangar Pettai,
Musiri Taluk,
Trichy District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the entire records in connection with the impugned proceedings in Na.Ka. A4-4385-2013 dated 23.07.2014 passed by the 4th respondent and quash the same and consequently direct the respondents not to disturb the petitioner's enjoyment and peaceful possession in Survey Nos.30/1, 39/1 and 32 classified as Arasu Thoppu Poramboke, which is situated at Araichi Village, Devanur, Musiri Taluk, Trichy District, without following due process of law.



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For petitioner : Mr.A.P.Muthupandian
For Respondents : Mr.S.Shanmugavel,
Additional Government Pleader

ORDER

Heard both sides.

2.The petitioner challenges the impugned order passed under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. It was not preceded by any notice under Section 7 of the Act. Therefore, the impugned order is set aside. But the officials assisting the learned Additional Government Pleader informed the court that a fair price shop has already been constructed in S.No.32, Devanur Village and that it is now functioning. It is further stated that on account of the construction of the fair price shop, the petitioner's pathway rights have not been affected. As regards the other two survey numbers, it is made clear that since it is a water body, it has to be maintained as such. Even the respondents cannot put up any construction.



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3. Recording the stand of the respondents, this writ petition is disposed of. No costs. Connected miscellaneous petition is closed.

25.09.2023

Index : Yes / No
Internet : Yes/ No
skm

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G.R.SWAMINATHAN, J.

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