



W.P.(MD) No.8281 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.04.2023

CORAM:

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

**W.P.(MD) No.8281 of 2023
and
W.M.P.(MD) No.7625 of 2023**

Vellaiah Nadar

... Petitioner

-VS-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

3.The Block Development Officer,
Village Panchayat, Union Office,
Radhapuram Taluk, Tirunelveli District.

4.Muthukani
5.Annakkili

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a
Writ of Certiorarified Mandamus to call for the records relating to the



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proceedings of the second respondent in Na.Ka.No.Aa5/1338/2022 dated 31.01.2023 and quash the same as illegal and consequently direct the second respondent to issue patta in respect of Survey Nos.1130/5 and 1130/9 which is situate in Koodankulam Village, Radhapuram Taluk, Tirunelveli District to the petitioner based on the petitioner's representations dated 04.07.2022, 12.10.2022 and 20.02.2023.

For Petitioner : Mr.V.Karuna
for Mr.S.K.S.Prabhakar

For RR1 to 3 : Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

The petitioner challenges the eviction proceedings initiated pursuant to the order in W.P.(MD) No.1066 of 2023, dated 22.02.2023 to which he was a party.

2. While disposing of the said writ petition, a Division Bench of this Court has observed as follows:

“9. In view of the rival submissions made by the parties to this writ petition, this Court is of the considered view that the third respondent has encroached upon the Government Poromboke Water



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Stream and Government Natham Poromboke lands in R.S.Nos. 1130/5 and 1130/9 respectively. Hence, the first and second respondents are directed to proceed with the eviction process as against the third respondent under the Tamil Nadu Land Encroachment Act, 1905 and remove the encroachments if any as identified by the petitioner and the revenue authorities in the manner known to law by giving sufficient opportunity to the third respondent within a period of three (3) weeks from the date of receipt of a copy of this order.”

3. In view of the categorical finding that the petitioner has encroached upon the Government land and the positive direction issued by this Court to remove the encroachment, we do not find any ground to entertain this writ petition. This Writ Petition fails and the same is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
12.04.2023

NCC : Yes
Index : Yes/No
Internet : Yes

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R. SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

abr

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
- 3.The Block Development Officer,
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