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W.P(MD)No.12174 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.05.2023

CORAM:

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.12174 of 2023

and

W.M.P(MD)Nos.10413 and 10414 of 2023

T.Chandrasekaran

... Petitioner

Vs

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned eviction notice of the second respondent in Na.Ka.No.A3/4541/2022 dated 08.05.2023, quash the same as illegal and consequently direct the second respondent not to interfere with the petitioner's peaceful possession of the land in S.No.50/3A situated at Parivallikottai, Ottapidaram Taluk, Thoothukudi District.



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For Petitioner : Mr.M.Prabu
For Respondents : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

(Order of the Court was made by the Hon'ble Acting Chief Justice)

Mr.T.Chandrasekaran, S/o.Thangaraj, a resident of Parivallikottai, Ottapidaram Taluk, Thoothukudi District, has come to this Court questioning the issuance of the impugned notice dated 08.05.2023 wherein the petitioner has been called upon to remove the encroachment to an extent of 0.00.09 hectares put up in 'Nilaviyal Pathai' running in the land covered in S.No.50/3A situated at Parivallikottai, Ottapidaram Taluk, Thoothukudi District, by developing a garden.

2. The learned counsel appearing for the petitioner assailing the impugned proceedings, submitted that the petitioner has not been provided with any opportunity.



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3. It is seen that earlier, one L.Jeyachandran filed a writ petition in W.P(MD)No.9905 of 2023, for removal of encroachment made by the petitioner herein in S.No.50/3B, in accordance with the eviction notice issued by Tahsildar, Ottapidaram, Thoothukudi District, dated 28.10.2022. This Court has noticed that the writ petitioner herein namely Chandrasekaran was issued with the notice under the Tamil Nadu Land Encroachment Act, 1905, by the Tahsildar, Ottapidaram Taluk, Thoothukudi District, showing that the land in S.No.50/3B of Parivallikottai, Ottapidaram Taluk, Thoothukudi District, to an extent of 0.01.0 hectares is classified as 'Nilaviyal Pathai' and the nature of encroachment to an extent of 0.00.09 hectares is garden. Therefore, this Court vide order dated 25.04.2023, directed the Tahsildar, Ottapidaram Taluk, Thoothukudi District, to remove the encroachment made by the petitioner herein. Although the petitioner is an encroacher, again when a notice was issued to him, having no regards towards the civil Rules, he has once again come to this Court.



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4. We are unable to find any justification or merit in the argument advanced by the learned counsel appearing for the petitioner. Therefore, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(T.R., ACJ.) (L.V.G., J.)

17.05.2023

Index :Yes/No
NCC :Yes/No

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Tahsildar,
Ottapidaram Taluk,
Thoothukudi District.



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T.RAJA, ACJ.
and
L.VICTORIA GOWRI, J.

PM

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