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W.P.(MD)NO.13372 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 08.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.13372 of 2023 AND
W.M.P.(MD)Nos.11269 & 11270 of 2023

N.Muthuraja

... Petitioner

Vs.

1. The District Collector,
Dindigul District.
2. The District Revenue Officer,
Dindigul District.
3. The Revenue Divisional Officer,
Nilakottai District.
4. The Tahsildar,
Nilakottai,
Dindigul District.
5. The Block Development Officer,
Nilakottai,
Dindigul District.



6. Amman Blue Metals,
Rep. by its Mayilvaganam,
Perumal Kovil Adivaram,
K.P.Chatram,
Pachamalaiyan Kottai Village,
Nilakottai,
Dindigul District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned eviction notice passed by the respondent No.4 dated 12.05.2023 and quash the same as illegal and consequently direct the 4th respondent to consider the petitioner's brother representation dated 19.05.2023 within the time stipulated by this Court.

For Petitioner : Mr.K.Dinesh

For R-1 to R-5 : Mr.K.Balasubramani,
Special Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 to 5.

2. The petitioner challenges the action initiated by the fourth respondent under the provisions of the Tamil Nadu Land Encroachment Act 1905. The petitioner was served with notice under Section 7 of the



Act. The petitioner failed to respond. The fourth respondent was therefore left with no other option but to issue the final order under Section 6 of the Act.

3. It is not the case of the petitioner that the land in survey No.234/9 is not a channel / water body. If the petitioner had committed any encroachment, then the authorities are obliged to remove the same. This is all the more so because, the Hon'ble Division Bench vide order dated **13.12.2022** in ***W.P.(MD)No.27972 of 2022 (V.Thangapandian V. The District Collector, Dindigul District and Others)*** has issued such direction. The learned counsel appearing for the writ petitioner states that the sixth respondent is the real encroacher.

4. Without endorsing the said assertion, we direct the fourth respondent to take action against the sixth respondent, if the sixth respondent had committed any encroachment on the water body. We direct the fourth respondent to ensure that the character of the petition mentioned water body is maintained as such.



5. This writ petition stands dismissed with the aforesaid direction and observation. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

8th JUNE 2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No

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