



W.P.(MD) No.13422 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.06.2023

CORAM:

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

W.P.(MD) No.13422 of 2023

and

W.M.P.(MD) No.11334 of 2023

Rajaji

... Petitioner

-VS-

1.The District Collector
Madurai District, Madurai

2.The Tahsildar
Madurai South Taluk
Madurai District

3.The Commissioner
Thiruparankundram Panchayat Union
Thiruparankundram Taluk, Madurai District

4.The President
Valainkulam Panchayat
Valainkulam
Thiruparankundram Taluk
Madurai District

5.The Block Development Officer
Panchayat Union Office
Thiruparankundram Taluk
Madurai District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus by calling for the entire records pertaining to the impugned order passed by the fourth respondent in Na.Ka.No.02/23 dated 29.05.2023 and set aside the same and consequently directing the fourth respondent to not to interfere in the tea shop in natham survey No.221/1, Valainkulam Village, Thiruparankundram Taluk, Madurai District, within a time frame fixed by this Court.

For Petitioner : Mr.S.Balaji

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1 to R3
Mr.P.Thilakkumar
Government Pleader for R4 & R5

ORDER

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

Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the respondents 1 to 3 and Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents 4 & 5.

2. With the consent of both sides, this writ petition is taken up for final hearing at the admission stage itself.

3. The order under challenge in this writ petition is only a communication sent to the petitioner stating that he has encroached upon the land classified as “Street” in the revenue records.



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4. The impugned communication only states that if the petitioner fails to remove the encroachment by 12.06.2023, action will be taken under the Tamil Nadu Land Encroachment Act, 1905 (for brevity, “the Land Encroachment Act”).

5. Mr.P.Thilakkumar, learned Government Pleader, appearing for the respondents 4 & 5, would submit that appropriate action will be taken under the Land Encroachment Act, after following the procedure prescribed.

6. Recording the above statement of the learned Government Pleader, this writ petition is disposed of as premature. It will be open to the petitioner to challenge the eviction proceedings, if any initiated by the Tahsildar under the provisions of the Land Encroachment Act. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

08.06.2023

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

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