



W.P.(MD)No.21253 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

W.P(MD)No.21253 of 2023

Sakthivel

... Petitioner

Vs.

1.The District Collector,
Karur District,
Karur.

2.The District Revenue Officer,
Karur,
Karur District.

3.The Tahsildar,
Kadavur Taluk,
Karur District.

4.The Commissioner,
Panchayat Union,
Krishnarayapuram,
Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to
issue a Writ of Mandamus, directing the respondents not to dispossess



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the petitioner without following the due procedure established under the law from New Survey No.99/1, 99/2, Mathagiri Panchayat, Krishnarayapuram Panchayat Union, Kadavur Taluk, Karur District.

For Petitioner :Mr.P.Andiraj
For R1 to R3 :Mr.S.P.Maharajan
Special Government Pleader
For R4 :Mr.M.Lingadurai
Special Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

Mr.S.P.Maharajan, learned Special Government Pleader, takes notice for the respondents 1 to 3 and Mr.M.Lingadurai, learned Special Government Pleader takes notice for R4.

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



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3. The petitioner has not challenged the notice, but he has come out by way of mandamus as much as notice has been given in the name of his father, who is already dead, therefore, for the reasons above mentioned and also with the facts, the impugned order, issued in favour the petitioner's father, is quashed.

4. In the facts and circumstances of the case, this Court is inclined to dispose of the writ petition in the following lines:

“The respondents shall follow the procedure in accordance with the provisions of the Tamil Nadu Land Encroachment Act, 1905 before evicting the petitioner from the subject property.”

5. Accordingly, these writ petition is disposed of. No costs.

[S.S.S.R., J.] [D.B.C., J.]
30.08.2023

Index : Yes / No
NCC : Yes/No

am

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