



WMP(MD). No.18086 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Wednesday, the Thirteenth day of September Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice S.S.SUNDAR

AND

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

WMP(MD). No.18086 of 2023

in

WP(MD)No.16219 of 2023

Rajasekaran

... Petitioner/Six Respondent

Vs

1 Arjun

2 The District Collector
Virudhunagar District,
Virudhunagar.

3 The Revenue Divisional Officer,
Sattur,
Virudhunagar District.

4 The Block Development Officer,
Virudhunagar Panchayat Union,
Virudhunagar District.

5 The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.



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6 The President

Rosalpatti Village Panchayat,
Virudhunagar,
Panchayat Union,
Virudhunagar District.

... Respondent 2 to 6/Respondent 1 to 5

Prayer :-

Writ Miscellaneous Petition Under Article 226 of the Constitution of India to recall the order dated 05/07/2023 passed in W.P.(MD).No.16219 of 2023 and thus render justice.

Prayer in WP(MD)No. 16219/ 2023 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 4 and 5 to remove the encroachment in Survey No.290/13, Renganadhapuram Village, Rosalpatti Village Panchayat, Virudhunagar Panchayat Union and Taluk, Virudhunagar District in view of representation dated 16.06.2023, within the stipulated time.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. J.Bharathan, Advocate for the Petitioner and of Mr.M.Jothi Basu for the 1st



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Respondent, J. Ashok Additional Government Pleader for the 2nd and 5th

Respondent, D. Sachi Kumar, Additional Government pleader for the 3rd and 4th

respondent, this Court made the following order:

The present petition is filed to recall the order passed by this Court in a writ petition filed for removal of encroachment.

2. This Court while passing order, presumed that there is an encroachment and therefore, passed an order to remove the encroachment after conducting survey, of course, in the presence of the petitioner herein who is respondent No.6 in the writ petition. The petitioner herein states before this Court that the property is classified as natham and that he is in possession of the property which is recognised to be lawful by the revenue authority. It is further pointed out by the petitioner that the right and title of the parties had already been decided in multiple suits.

3. It is in the said circumstances, this Court finds that an order without hearing the petitioner herein who is an interested person and likely to be affected, ought to have been recalled and the petitioner has to be heard.



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4. Hence, this petition is allowed and the order dated 05.07.2023 passed in W.P(MD)No.16219 of 2023 is recalled.

Sd/-

Assistant Registrar(CS III)

// True Copy //

/09/2023

Sub Assistant Registrar(CS)

To

1. The District Collector
Virudhunagar District Virudhunagar
2. The Revenue Divisional Officer,
Sattur,
Virudhunagar District.
3. The Block Development Officer,
Virudhunagar Panchayat Union,
Virudhunagar District.
4. The Tahsildar
Virudhunagar Taluk,
Virudhunagar District.



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Copy to

The Section Officer
Writ Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 cc to M/S.T.R.Jeyapalam ,sr.43086.

ORDER DATED : 13/09/2023

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RECALL THE ORDER

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WMP(MD). No.18086 of 2023
in
WP(MD)No.16219 of 2023

Giving direction and etc.
as stated within.

KSR/26.09.2023 5P 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023