



W.P.(MD)No.11326 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 08.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

W.P.(MD)No.11326 of 2016
and W.M.P.(MD) No.8682 of 2016

T.Velraj

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Collectorate,
Tirunelveli – 627 009.

2.The Tahsildar,
Radhapuram Taluk,
Radhapuram – 627 111,
Tirunelveli District.

3.Zonal Deputy Tahsildar-II,
Radhapuram Taluk,
Radhapuram – 627 111.

4.The Revenue Inspector,
Pazhavor Firka,
Radhapuram Taluk,
Radhapuram – 627 111.



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5.B.Ponnaiah

...Respondents

(R5 is impleaded vide Court Order dated
26.10.2017 in W.M.P. (MD)17453 of 16).

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Certiorarified Mandamus calling for the records relating to the proceedings No. Nil, dated 13.06.2016, on the file of the third respondent herein and to quash the same, and forbearing the respondents, their men, servants agents, or officers or any one claiming on their behalf, from in any way interfering with the peaceful possession and enjoyment of the land and the building belonging to the petitioner in Survey No.1569/8 to an extent of 7 cents and Survey No.1908/2 in Ambalavanapuram village, in Radhapuram Taluk, Tirunelveli District, otherwise than in accordance with law.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R1 to R4

Mr.P.Subbiah for R5

ORDER

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

The petitioner in the present Writ Petition challenges the proceedings No. Nil, dated 13.06.2016, issued by the third respondent and sought for a Mandamus, to forbear the respondents, their men, servants agents, or officers or



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any one claiming on their behalf, from in any way interfering with the peaceful possession and enjoyment of the land and the building belonging to the petitioner in Survey No.1569/8 to an extent of 7 cents and Survey No.1908/2 in Ambalavanapuram village, in Radhapuram Taluk, Tirunelveli District, otherwise than in accordance with law.

2. It is not in dispute between the parties that action was initiated to remove the encroachments under the Tamil Nadu Land Encroachment Act, 1905.

3. Learned counsel for the petitioner states that objections were submitted by the petitioner to the Section 7 notice issued, but the same had not been considered. This submission was objected to by the learned counsel appearing on behalf of fifth respondent that no objections were submitted by the petitioner in response to the notice issued under Section 7.

4. May that as it be, the Writ Petition was instituted in the year 2016 and seven years lapsed. Therefore, we are inclined to grant one more opportunity to the writ petitioner to submit his further objections and documents, if any, within a period of one week from the date of receipt of a copy of this order and on receipt



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of such objections, the respondents 1 to 4 are directed to continue the actions and remove all the encroachments as per the survey conducted within a period of four week thereafter.

5. With these directions, this Writ Petition stands disposed of. No costs.

Consequently, connected Writ Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
08.11.2023

NCC : Yes / No
Index : Yes / No

SJ

To

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Tirunelveli District.



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