



W.P(MD)No.26026 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.09.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P(MD)No.26026 of 2022

Ambigapathy

... Petitioner

Vs.

1.State of Tamil Nadu

Represented by the Principal Secretary,
Social Welfare Department,
State of Tamil Nadu,
Fort St. George,
Secretariat,
Chennai - 9.

2.State of Tamil Nadu

Represented by the Principal Secretary,
Department of Rural Development and Panchayat Raj,
State of Tamil Nadu,
Fort St. George,
Secretariat,
Chennai.



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3.State of Tamil Nadu

Represented by the Principal Secretary,
Revenue and Disaster Management Department,
State of Tamil Nadu,
Fort St. George,
Chennai.

4.The District Collector

Office of the District Collector,
Pudhukottai District.

5.The Revenue Divisional Officer,

Office of the Revenue Divisional Officer,
Aranthangi Taluk,
Pudhukottai District.

6.The Tahsildar

Aranthangi Taluk,
Pudhukottai District.

7.S.Kannan

8.S.Raja

9.S.Ayyamuthu

10.K.Sivakumar

11.Kaliyammal

12.Perumal

.. Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the respondents No.1 to 6 to remove the encroachment by the respondent No.7 to 12 relating to the land in Survey No.25/2 comprising of 0.56.50 acres situated in Subramaniyapuram, Aranthangi, Pudhukottai District, and consequently direct the respondents No.1 to 6 to reclassify the Punjai Tarisu land to Natham land and provide free house site Patta to the landless poor people and other eligible poor people residing in the Subramaniyapuram, Aranthangi, Pudhukottai District, in accordance with law.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.P.Thilak Kumar - for R1 to R6

Government Pleader

Mr.Sujai Krishna -for R7 to R9, R11 & R12

ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.R.Alagumani, learned counsel for the petitioner,
Mr.P.Thilak Kumar, learned Government Pleader appearing for the



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respondents 1 to 6 and Mr.Sujai Krishna, learned counsel appearing for the respondents 7 to 9, 11 and 12.

2. The learned counsel for the petitioner submits that illegal encroachment has been made in Survey No.25/2. Thus, according to the petitioner, the said land is a Punjai Tarisu Government Land.

3. The learned Government Pleader accepts that the land in Survey No.25/2 is a Government land and 33 persons are cultivating paddy in the said land.

4. The learned counsel for the respondents 7 to 9, 11 and 12 submitted that these respondents are not illegal encroachers and they are paying taxes and cultivating paddy.

5. It appears that patta is not issued in the name of these private respondents.

6. The learned Government Pleader submits that after the paddy is harvested, the authority would take recourse to the provisions



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of the Tamil Nadu Land Encroachment Act, 1905 by resorting to Sections 6 and 7 of the said Act.

7. If the Government resorts to the provisions of the Land Encroachment Act, then certainly the private respondents have right to file a reply to the show cause notice issued under Section 7 of the said Act, which reply would be considered by the authority before proceedings under Section 6 of the said Act.

8. In view of the above, the Writ Petition is disposed of. No costs.

[S.V.G., C.J.]

[C.K., J.]

01.09.2023

Index : Yes / No
Neutral Citation : Yes / No
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