



W.P(MD)Nos.14748 and 15011 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.14748 and 15011 of 2017
and
W.M.P.(MD)Nos.11584 and 11847 of 2017

Subbuthai ... Petitioner in W.P.(MD)No.14748 of 2017
1.Rukmani
2.Indra
3.Bathmanapan ... Petitioners in W.P.(MD)No.15011 of 2015

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.
2.The Assistant Director of Panchayat,
Sivagangai, Sivagangai District.
3.The Executive Officer,
Thirupuvanam Town Panchayat,
Thirupuvanam,
Sivagangai District. ... Respondents in both W.Ps

Common Prayer : Writ Petitions filed under Article 226 of the
Constitution of India, praying this Court to issue a Writ of Mandamus,

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forbearing the respondents from constructing the drainage in the petitioner's land in Survey Nos.103/18 and 103/14 at Kallar Street, Nelumudikarai, Thirupuvanam, Sivagangai District respectively.

(In both W.Ps)

For Petitioners : Mr.J.Anandkumar

For Respondents : Mr.Veera Kathiravan,
Addl. Advocate General,
Mr.S.RA.Ramachandran,
Addl. Government Pleader.

COMMON ORDER

Heard the learned counsel for the writ petitioners and the learned Additional Advocate General assisted by the learned Additional Government Pleader for the respondents.

2.Both the writ petitions have been filed in the nature of Writ of Mandamus. The writ petitioners want this Court to restrain the respondents from constructing drainage in the petition mentioned survey numbers.



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3.The learned counsel for the petitioners would assert that the petitioners are title holders. The learned Additional Advocate General would controvert the said contention. In any event, this Court need not undertake the said exercise at this point of time. If according to the respondents, the petitioners are encroachers, it is open to the respondents to take action under the Tamil Nadu Land Encroachment Act, 1905. The said Act contemplates issuance of notice under Section 7 of the Act, holding of an enquiry and passing of final order under Section 6 of Act. In my view, these writ petitions have been prematurely filed.

4.Directing the respondents to adhere to due process of law, these writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

07.09.2023

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

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G.R.SWAMINATHAN, J.

ias

To:-

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Assistant Director of Panchayat,
Sivagangai, Sivagangai District.
- 3.The Executive Officer,
Thirupuvanam Town Panchayat,
Thirupuvanam,
Sivagangai District.

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