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Review Application Writ (MD) No.250 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE V.LAKSHMINARAYANAN

Review Application Writ (MD) No.250 of 2023
and W.M.P.(MD) No.25829 of 2023
in W.P.(MD) No.14407 of 2017

- 1.Gajendran
- 2.K.Muthukumar
- 3.Alamelu
- 4.Ravi
- 5.Baskar
- 6.Sudhakar
- 7.Thangarasu
- 8.Rajendran
- 9.Indira Gandhi
- 10.Rakesh
- 11.Rajendran
- 12.Suresh
- 13.Pakiriyammal
- 14.Selvaraj

... Petitioners

Vs.

- 1.The District Collector,
Thanjavur District.
- 2.The Tahsildar,
Taluk Office, Pappanasam Taluk,
Thanjavur District.



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3. The Assistant Divisional Engineer (H),
Ka (Ma)Pa. Division,
Papanasam & Taluk, Thanjavur District.

4.S.Sankar

...Respondents

PRAYER: Petition filed under Order XLVII Rule 1 of C.P.C. r/w Section 114 of C.P.C., praying to review the order of this Court dated 08.11.2023 in W.P.(MD) No.14407 of 2017.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 to R3

ORDER

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

The Review Application has been instituted to review the order dated 08.11.2023 in W.P.(MD) No.14407 of 2017.

2. Learned counsel appearing on behalf of the review petitioner mainly contended that the order in the Writ Petition was issued based on the submission of the learned Government Advocate that alternate free house sites were allotted to the encroachers. Further, it is contended that no patta has been issued to the encroachers and by submitting incorrect records, the Government Advocate secured orders to remove the encroachments.



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3. Learned Government Advocate opposed the said contention by producing the e-patta copies dated 24.01.2021 issued in favour of 19 encroachers. 14 encroachers are before us and beyond that five more beneficiaries also have been referred.

4. Since the copies of the e-patta has been produced before us to establish that alternative free house sites were allotted to the encroachers, the official respondents are bound to remove all the encroachments, enabling them to occupy the alternative site already granted. The copies of the e-pattas have already been granted to the learned counsel appearing for the review petitioners.

5. Since the review petitioners have not made out any ground for the purpose of reviewing the order passed by us, the Review Application stands dismissed. The official respondents shall proceed with the removal of the encroachment. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

(S.M.S., J.) & (V.L.N., J.)
19.12.2023

NCC : Yes / No
Index : Yes / No
SJ



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S.M.SUBRAMANIAM, J.

AND

V.LAKSHMINARAYANAN, J.

SJ

To

- 1.The District Collector,
Thanjavur District.
- 2.The Tahsildar,
Taluk Office, Pappanasam Taluk,
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- 3.The Assistant Divisional Engineer (H),
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