



WEB COPY

W.P.No.22



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.08.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.22778 of 2024 and
W.M.P.No.24809 of 2024

P.Subramanian

... Petitioner

-VS-

1. The District Collector,
Cuddalore District.
2. The Commissioner (Additional Charge),
Thittagudi Municipality,
Thittagudi, Cuddalore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the respondents in connection with the impugned order issued by the 2nd respondent in Na.Ka.No.222/2024/F1 dated 10.07.2024 and quash the same.

For Petitioner : Mr.P.D.Anbarasan

For Respondents : Mr.A.Edwin Prabakar
State Govt. Pleader



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ORDER

(By the Hon'ble Acting Chief Justice)

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This Writ Petition has been filed, challenging the order dated 10.07.2024, passed by the 2nd respondent in Na.Ka.No.222/2024/F1, by which the petitioner was asked to remove the encroachment within 15 days, as otherwise the same would be removed by the Municipality at the cost of the petitioner.

2. It is the case of the petitioner that he is in possession and enjoyment of the property in S.No.144/5A2B and is having title to the property and patta also.

3. Learned State Government Pleader submitted that notice has been issued to encroachers of the property in S.No.142, which is classified as water body and the allegation of the petitioner that the respondents are taking steps to evict him from S.No.144/5A2B is baseless, as the said property does not come under the purview of removal of encroachment. He further submitted that while issuing notice to encroachers in S.No.142, it was noticed that the petitioner's name also finds place therein.

4. In view of the submission of the learned State Government Pleader that the respondents are taking steps to remove encroachment with regard to S.No.142 and recording the same, this *Writ Petition is disposed of*. It is made clear that there is no



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impediment for the respondents to proceed further in respect of S.No.142 and take necessary action for removal of encroachment and if necessary, the respondents shall conduct survey of the property in the presence of the petitioner. Such exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,ACJ.] [P.B.B,J.]
27.08.2024

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
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To:

1. The District Collector,
Cuddalore District.
2. The Commissioner (Additional Charge),
Thittagudi Municipality,
Thittagudi, Cuddalore District.

HON'BLE ACTING CHIEF JUSTICE,



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AND
P.B.BALAJI,J.,
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