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W.P.No.31389 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.31389 of 2024

N.Venkatesan

... Petitioner

vs.

1.The District Collector,
District Collector Office,
Tiruvannamalai District - 606604.

2.The Tahsildar,
Tiruvannamalai Tahsildar Office,
Tiruvannamalai District - 606603.

3.Block Development Officer,
Block Development Office,
Tiruvannamalai District - 606604.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents, their men/servants/agents from dispossessing or interfering with the petitioner's possession and enjoyment of the property comprised in Survey No.133/1 at Samudram Village, Nallavanpalayam Panchayat, Tiruvannamalai District without following due process of law.

For Petitioner : Mr.S.Madhar Khan

For Respondents : Mr.A.Selvendran for R1 and R2
Special Government Pleader



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Mr.R.Murthi for R3
Government Advocate

ORDER

The petitioner herein seeks a direction to forbear the respondents, their men/servants/agents from dispossessing or interfering with the petitioner's possession and enjoyment of the property comprised in Survey No.133/1 at Samudram Village, Nallavanpalayam Panchayat, Tiruvannamalai District without following due process of law.

2. It is the case of the petitioner that the petitioner and his family members have been in possession and enjoyment of the subject property for a period of more than 60 years. While so, one Sivababu has malafidely filed Writ Petition before this Court in W.P.No.2798 of 2022 with an allegation that the petitioner had encroached the water body and catchment area. Therefore, the 3rd respondent is making attempt to dispossess the petitioner's possession from the subject property in S.No.133/1. Under these circumstances, the petitioner is before this Court.

3. Learned Special Government Pleader, who is taking notice for the respondents 1 and 2, on instructions would submit that the petitioner is in illegal occupation of the S.No.133/1 which is rich in rare minerals.



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He further submitted that the 3rd respondent is taking steps to remove the encroachment made by the petitioner by following the procedure under Land Encroachment Act.

4. Recording the above submission made by the learned Special Government Pleader appearing for the 1st and 2nd respondents, this Writ Petition is disposed of with a direction to the respondents not to dispossess the petitioner except by due process of law. No costs.

29.10.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

msv

To

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District Collector Office,
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S.SOUNTHAR, J.

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