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W.P. (MD) No.721 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD) No.721 of 2024
and
W.M.P. (MD) No.721 of 2024**

C. Perumal

... Petitioner

-vs-

1. The District Collector,
Theni District, Theni.
2. The Tahsildar,
Uthamapalayam Taluk,
Theni District.
3. The Block Development Officer,
Chinnamanur,
Theni District.
4. The Executive Officer,
Muthulapuram Panchayath,
Uthamapalayam Taluk,
Theni District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus to forbearing the 4th Respondent from taking any illegal action pursuance of the notice issued to the petitioner dated 23.12.2023 by considering petitioner Representation dated 02.01.2024.



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W.P. (MD) No.721 of 2024

For Petitioner : Mr.D.Selvanayagam
For R1 & R2 : Mr.S.P.Maharajan
Special Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition has been filed for issuance of writ of mandamus to forbear the 4th respondent from taking any illegal action pursuance of the notice issued to the petitioner dated 23.12.2023 by considering petitioner's representation dated 02.01.2024.

2. The learned counsel for the petitioner would submit that the property in question is natham land and the petitioner has been in possession of the property.

3.The learned Government Pleader appearing for the respondents 1 and 2 submitted before this Court that the property in Survey Nos. 113/2, 113/3 were encroached by the petitioners and survey has been conducted with the assistance of the Taluk Surveyor. He would further submit that based on the report, action has been taken for removal of



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encroachment and the respondents have also vacated the petitioner on 09.01.2024 and therefore, the prayer sought for by the petitioner has become infructuous.

4. Considering the submission made by the learned Government Pleader, the petitioner was vacated from the property in question and therefore, we are not inclined to entertain this Writ Petition.

5. If the petitioner is aggrieved, it is open to the petitioner to workout his remedy before the appropriate forum.

6. Granting such liberty, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[R.V., J.]

11.01.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
CM



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W.P. (MD) No.721 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

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and
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11.01.2024