



W.P.(MD) No.458 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.01.2024

CORAM:

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

**W.P.(MD) No.458 of 2024
and W.M.P.(MD) No.489 of 2024**

L.Ramachandran

... Petitioner

-VS-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

3.The Revenue Divisional Officer,
Tirunelveli.

4.The Thasildar,
Palayamkottai Taluk,
Tirunelveli District.

5.The Panchayat President,
Manapadaiveedu Panchayat,
Tirunelveli District.

6.Petchiyammai

... Respondents



W.P.(MD) No.458 of 2024

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings reference Nil dated 03.01.2024 issued by the 4th respondent herein and quash the same and consequently direct the respondents to consider the Application dated 24.07.2017 forwarded by the 3rd respondent through his communication dated 26.07.2017 in reference No.O.Mu.A3/3562/2017 to the 4th respondent seeking for correction of UDR.

For Petitioner : Mr.A.K.Baskarapandiyan

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4

Mr.N.Satheeshkumar,
Additional Government Pleader for R5

ORDER

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

This Writ Petition has been filed challenging the proceedings of the 4th respondent dated 03.01.2024, and consequently to direct the respondents to consider the Application dated 24.07.2017 forwarded by the 3rd respondent through his communication dated 26.07.2017 in reference No.O.Mu.A3/3562/2017 to the 4th respondent seeking for correction of UDR.



W.P.(MD) No.458 of 2024

WEB COPY

2. By consent of both sides, the Writ Petition itself is taken up for final disposal at the time of admission itself. Considering the nature of the order proposed to be passed in this Writ Petition, protecting the interests of the 6th respondent also, notice to the 6th respondent is dispensed with.

3. The Writ Petition has been filed on the main ground that the fourth respondent has not considered the petitioner's objections and therefore, the impugned order is liable to be set aside.

4. Learned Special Government Pleader appearing for the respondents 1 to 4 on perusal of the records would agree that no order has been passed on the petitioner's objections and therefore, appropriate orders may be passed by this Court.

5. According to the petitioner, he is in enjoyment and occupation of the property in question and it is only for the residential purpose and it measures only 38 square metre. Considering the fact that this Court by order dated 08.11.2023, in W.P.(MD) No.26871 of 2023 directed the encroacher to submit his



W.P.(MD) No.458 of 2024

objections to the authority concerned and accordingly, the petitioner has submitted his objections, however, the same has not been considered by the 4th respondent, we are of the view that the order impugned has to be set aside and the matter has to be remanded to the 4th respondent to consider the petitioner's objections.

6. Accordingly, the Writ Petition stands allowed and the proceedings of the 4th respondent dated 03.01.2024, is set aside and the fourth respondent is directed to consider the objections of the petitioner dated 22.12.2023 and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order and thereafter to proceed further for removal of the encroachment, if any, under the Tamil Nadu Land Encroachment Act, 1905 . No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
09.01.2024

Index : Yes / No
Internet : Yes / No
SJ



W.P.(MD) No.458 of 2024

WEB COPY

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Tirunelveli.
- 4.The Thasildar,
Palayamkottai Taluk,
Tirunelveli District.
- 5.The Panchayat President,
Manapadaiveedu Panchayat,
Tirunelveli District.



WEB COPY



W.P.(MD) No.458 of 2024

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

SJ

W.P.(MD) No.458 of 2024

09.01.2024