



WP(MD). Nos.1558 & 3884 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19/12/2024

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

W.P.(MD). Nos.1558 & 3884 of 2020

W.P.(MD) No.1558/2020 :

L.Ganeshan

...

Petitioner

-VS-

- 1 The District Collector,
Thanjavur District.
- 2 The Thasildar,
Orathanadu Taluk,
Thanjavur District.
- 3 The President,
Thennamanadu Village Panchayat,
Orathanadu Taluk,
Thanjavur District.
- 4 P.Ramesh
- 5 R.Madhavi
- 6 A.Gangadharan
- 7 T.Narayanan

...

Respondents



WP(MD). Nos.1558 & 3884 of 2020

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment made by the respondents no.4 to 6 in Survey no.717/1 and 717/2, Thennamanadu village, Orathanadu Taluk, Thanjavur District, and on the basis of the order passed by this Honble Court in WP(MD) No.1674/2005 in accordance with law.

W.P.(MD) No.3884/2020 :

P.Ramesh

...

Petitioner

-VS-

- 1 The District Collector,
Thanjavur District.
- 2 The Tahsildar,
Orathanadu Taluk,
Thanjavur District
- 3 The Block Development Officer,
Orathanadu Taluk,
Thanjavur District.
- 4 The President,
Thennamanadu Village Panchayat,
Orathanadu Taluk,
Thanjavur District.

...

Respondents



WP(MD). Nos.1558 & 3884 of 2020

PRAYER :- Writ Petition, filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order of eviction passed by the 3rd Respondent herein in Na.Ka.No.4969/19/AA2, dated 13-12-2019, and the consequential impugned order of eviction passed by the 4th respondent ref.Na.Ka.No.4969/19/AA2 dated Nil, quash the same in so far as petitioner is concerned and consequently direct the respondents 1 and 2 herein to issue assignment patta to the petitioner as per the order passed by the Honourable Division Bench of this Honourable Court dated 18-01-2007 made in WP(MD).No.11640 of 2006.

For Petitioner in W.P.(MD) No.1558/2020 :
Mr.R.Alagumani

For Respondents 1 & 2 in W.P.(MD) No.1558/2020 :
Mr.P.Thilak Kumar,
Govt. Pleader.

For Respondent 4 in W.P.(MD) No.1558/2020 :
Mr.V.S.Kumaraguru

For Respondent 6 in W.P.(MD) No.1558/2020 :
Mr.B.Jameel Arasu

For Respondents 3, 5 & 7 in W.P.(MD) No.1558/2020 :
No appearance

For Petitioner in W.P.(MD) No.3884/2020 :
Mr.V.S.Kumaraguru

For Respondents 1 to 3 in W.P.(MD) No.3884/2020 :
Mr.P.Thilak Kumar,
Govt. Pleader.



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ORDER

(Order of the Court was made by the Hon'ble The Chief Justice)

The Public Interest Litigation being W.P.(MD) No.1558 of 2020 is to remove the encroachment made by Respondents 4 to 6, on the ground that the encroachment has been made on a water-body.

2. W.P.(MD) No.3884 of 2020 is filed by Respondent No.4 in the above said Public Interest Litigation, seeking quashing of the notice issued for eviction.

3. Government Pleader states, notice under Section 7 of the Tamil Nadu Land Encroachment Act,1905, has already been issued on 05th December, 2024, calling for reply within 14 days. Government Pleader states that today is the last date.

4. Mr.V.S.Kumaraguru, counsel appearing for Respondent No.4, who is petitioner in W.P.(MD) No.3884 of 2020, is not aware whether the reply has been submitted.

5. Government Pleader states, notice has been issued to all the four private parties, namely, M/s.P.Ramesh, R.Madhavi, A.Gangadharan and T.Narayanan. Government Pleader also states that



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fifth respondent, namely, R.Madhavi, according to the instructions he received, has expired and notice has been served upon her daughter, so also respondent No.7, namely, T.Narayanan has died and notice has been served upon his daughter.

6. Though 14 days' period expires today, we would give time up to 24th December,2024, to all the parties to reply. Thereafter, respondents 1/2/3 shall take further steps in accordance with law and, if there are any encroachments, have the encroachments removed. The entire process should be completed by 31st January,2025.

7. Writ Petitions are disposed of accordingly. No costs. Consequently, the connected W.M.P.(MD) Nos.3274 of 2020, 4977 and 13744 of 2021 are closed.

(K.R.SHRIRAM, C.J.)

(L.VICTORIA GOWRI, J.)

19.12.2024

NCC : Yes/No
Index : Yes/No

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**THE HON'BLE CHIEF JUSTICE
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