



W.P.(MD) No.2296 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.2296 of 2024

and

W.M.P.(MD)No.2308 of 2024

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... Petitioner

-Vs-

1.The District Collector,
Pudukkottai District.

2.The Revenue Divisional Officer,
Pudukkottai.

3.The Tahsildar,
Manalmelkudi Taluk, Pudukkottai District.

4.The Block Developmental Officer (Village Panchayat),
Manalmelkudi Panchayat Union, Pudukkottai District.

5.The President,
Krishnajipattinam Village,
Manalmelkudi Panchayat Union,
Pudukkottai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents 3 to 5 from in any way evicting the



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petitioner from his portion of the land, measuring 0.81.0 Ares in S.No.94/1 in Subramaniapuram Village (Thirumangalapattinam) in Manamelkudi Taluk, except under due process of law.

For Petitioner : Mr.R.Suriya Narayanan

For R1 to R3 : Mr.N.Satheesh Kumar,

Additional Government Pleader

ORDER

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

This Writ Petition is filed to forbear the respondents 3 to 5 from in any way evicting the petitioner from his portion of the land, measuring 0.81.0 Ares in S.No.94/1 in Subramaniapuram Village (Thirumangalapattinam) in Manamelkudi Taluk, except under due process of law.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

3.Mr.N.Satheesh Kumar, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 3, submits that the 5th respondent has made an application to the 3rd respondent to survey the property in question and remove the encroachment thereon. Based on the said application, necessary survey would be conducted after issuing notice to the parties concerned and



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thereafter, based on the report of the Surveyor concerned, appropriate action would be taken for removal of encroachment, if any in the place in question.

4.Considering the submission made by the learned Additional Government Pleader, we direct the 3rd respondent to consider the application made by the 5th respondent, namely, the President of Krishnajipattinam Village and pass appropriate orders on its own merits and in accordance with law, after providing opportunity to all the parties concerned. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

05.02.2024

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

Yuva



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D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

Yuva

To

- 1.The District Collector,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Pudukkottai.
- 3.The Tahsildar,
Manalmelkudi Taluk, Pudukkottai District.

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