



W.P.(MD) No.1899 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2024

CORAM:

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

**W.P.(MD) No.1899 of 2024
and W.M.P.(MD) No.1917 of 2024**

Mukkalathor Nalasangam,
Kamuthakudi,
Regn. No.79/2020,
No.1/402, Kamuthakudi Village & Post,
Paramakudi Taluk,
Ramanathapuram District,
Rep. by its President.

... Petitioner

-VS-

Sub Collector,
Office of Sub Collector,
Paramakudi,
Ramanathapuram District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records relating to the impugned order of the respondent in Moo.Mu.8833/2023 (P2) dated 15.12.2023, directing removal of encroachment and sealing of Mahal premises in Survey Nos.592/1 and 593/4 in Kamuthakudi Village, and quash the same.



W.P.(MD) No.1899 of 2024

WEB COPY

For Petitioner : Mr.S.Srinivasa Raghavan

For Respondent : Mr.S.P.Maharajan,
Special Government Pleader

ORDER

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

The Writ Petition has been filed challenging the order of the respondent in Moo.Mu.8833/2023 (P2), dated 15.12.2023, directing removal of encroachment and sealing of Mahal premises in Survey Nos.592/1 and 593/4 in Kamuthakudi Village.

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

3. According to the petitioner, the property in question is a Natham land and the petitioner Association has constructed a Mahal in the aforesaid property and they have been in occupation and enjoyment of the same for more than 35 years and therefore, they have challenged the initiation of the removal of the encroachment in the said property before this Court.



W.P.(MD) No.1899 of 2024

WEB COPY

3. Learned Special Government Pleader appearing for the respondent stated that Notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, has been issued by the Tahsildar, Paramakudi, dated 24.01.2024, has been served on the petitioner on 31.01.2024 and therefore, the petitioner has to make their objections before the Tahsildar, Paramakudi, within a period of two weeks.

4. In view of the above, the Writ Petition stands disposed of with a direction to the petitioner to submit their objections to the notice issued by the Tahsildar, Paramakudi, within a period of two weeks from today and if any such objection is submitted, the same shall be considered by the Tahsildar, Paramakudi, after affording an opportunity of hearing to the petitioner and pass appropriate orders on merits and in accordance with law and thereafter, they shall proceed further in accordance with law for removing the encroachment, if any. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
31.01.2024

Index : Yes / No
Internet : Yes / No
SJ



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W.P.(MD) No.1899 of 2024

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

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To

The Sub Collector,
Office of Sub Collector,
Paramakudi,
Ramanathapuram District.

Copy to

The Tahsildar,
Paramakudi.

W.P.(MD) No.1899 of 2024

31.01.2024

Page 4 of 4