



W.P.(MD) No.2060 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

CORAM:

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

**W.P.(MD) No.2060 of 2024
and W.M.P.(MD) No.2048 of 2024**

M.Elangovan

... Petitioner

-VS-

1.The District Collector,
District Collectorate,
Pudhukottai District.

2.The Revenue Divisional Officer,
O/o. Revenue Divisional Officer,
Pudhukottai.

3.The Thasildar,
Karambakudi Taluk,
Pudhukottai District.

4.The Revenue Inspector,
Malayur Circle,
Karambakudi Taluk,
Pudukottai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned notice/order in Na.Ka.No.A8/6292/2023 dated 22.01.2024 on the file of 4th respondent and quash the same as illegal, unconstitutional, ultra-vires and consequently, direct the respondents concerned to proceed with the issue in accordance and compliance to the direction given by this Honourable Court in W.P.(MD) No.23338 of 2017 dated 22.01.2024.

For Petitioner : Mr.S.Ramesh

For Respondents : 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 notice/order of the 4th respondent in Na.Ka.No.A8/6292/2023, dated 22.01.2024, and consequently, to direct the respondents concerned to proceed with the issue in accordance and compliance to the direction given by this Court in W.P.(MD) No.23338 of 2017 dated 22.01.2024.



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2. By producing the copy of the earlier order of this Court in W.P. (MD) No.23338 of 2017, dated 22.01.2024, wherein this Court has directed the third respondent herein to survey the property in question in the presence of the petitioner herein and the petitioner therein and then to remove the encroachment, if any, the learned Special Government Pleader fairly submitted that the order of this Court has not been followed before issuing the impugned notice.

3. In view of the above, we are inclined to interfere with the impugned order. Accordingly, the Writ Petition stands allowed and the impugned order stands set aside with liberty to the respondents proceed further by following the order of this Court in W.P.(MD) No.23338 of 2017, dated 22.01.2024. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

[D.K.K., J.] [R.V., J.]
01.02.2024

Index : Yes / No
Internet : Yes / No
SJ
To
1.The District Collector,
District Collectorate,
Pudhukottai District.



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2.The Revenue Divisional Officer,
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