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4184 of 2024

W.P.(MD) No.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM:

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

W.P.(MD) No.4184 of 2024

S.Gokul

... Petitioner

-VS-

1. The District Collector,
Thanajvur,
Thanajvur District.

2. The District Revenue Officer,
Thanjavur District.

3. The Revenue Divisional Officer,
Kumbakonam,
Thanjavur District.

4. The Tahsildar,
Thiruvudaimarudhur Taluk,
Thanjavur District.

5. The Executive Officer,
Selection Grade Panchayat,
Mela Salai,
Thirubuvanam,



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Thanjavur District.

6. D.Kandasamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondent No.4 to remove the encroachments made in S.No.647/20 and 644/49 at Sannathi Street, Thirubuvanam, Thiruvudaimarudhur Taluk, Thanajvur District by 6th respondent which is classified as “Sarkar Porombokku” in light of the communication made by the 1st respondent to 4th respondent by a proceedings in O.Mu.H3/6107/2024 dated 07.02.2024 within time stipulated by this Court.

For Petitioner : Mr.J.K.Dinesh

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R4

ORDER

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

This Writ Petition has been filed for a direction to the 4th Respondent to remove the encroachments made in S.Nos.647/20 and 644/49 at Sannathi Street, Thirubuvanam, Thiruvudaimarudhur Taluk, Thanajvur District by 6th



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respondent which is classified as “Sarkar Porombokku” in the light of the communication made by the 1st respondent to 4th respondent by a proceedings in O.Mu.H3/6107/2024 dated 07.02.2024 issued based on the representation of the petitioner dated 09.01.2024.

2. By consent of both sides, the Writ Petition is taken up for final hearing 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 5th and 6th respondents, notice to them is dispensed with.

3. According to the petitioner, the 6th respondent has encroached upon the Government Poramboke Land in S.Nos.647/20 and 644/49 at Sannathi Street, Thirubuvanam, Thiruvudaimarudhur Taluk, Thanajvur District and constructed commercial shops. Therefore, he has made a representation dated 09.01.2024 to the official respondents to take action against the illegal encroachment made by the 6th respondent and since the same has not considered so far, the petitioner is constrained to approach this Court by filing the present



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4. According to the learned counsel for the petitioner, the petitioner would be satisfied if a direction is issued to the 4th respondent to consider the representation of the petitioner dated 09.01.2024 as well as the communication dated 07.02.2024 made by the first respondent on merits and in accordance with law.

5. Further, the Government has Constituted Monitoring Committees under the Government Order issued in G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, 'LD.6(2)' Section, dated 08.02.2022, for monitoring removal of encroachments by following the procedures contemplated under the Tamil Nadu Land Encroachment Act, 1905.

6. Considering the limited scope of the prayer now sought for by the petitioner, without going into the merits of the claim made by the petitioner either



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in the Writ Petition or in the representation, this Court directs the 4th respondent to consider the representation of the petitioner dated 09.01.2024 and the consequential communication dated 07.02.2024 made by the first respondent and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity of hearing to the petitioner, 6th respondent and any other parties concerned and remove the encroachments, if any. The District Level Monitoring Committee headed by the first respondent District Collector shall monitor the removal of encroachments.

7. With the above directions, the Writ Petition stands disposed of.

No costs.

[D.K.K., J.] [R.V., J.]
23.02.2024

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Internet : Yes / No
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