



W.P(MD)No.4882 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM:

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

W.P(MD)No.4882 of 2024

A.Rajarathinam

... Petitioner

vs.

- 1 The District Collector,
Collectorate Office, Dindigul District.
- 2 The Tahsildar,
Authoor Taluk, Authoor, Dindigul.
- 3 The Block Development Officer,
Alamaruthupatti, Dindigul District.
- 4 Mary
- 5 Stella Mary
- 6 Justin

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records of the Respondents resulting in the 2nd respondent's impugned order dated 06.02.2024 passed in Na.Ka.No.6566/2022/Aa2 and quash the same insofar as it affects the petitioner and consequently direction directing the respondents by surveying the land in Survey Nos.41/1 and 41/2 Survey No.35/10A, Survey No.35/10B and Survey No.42 through the Old Settlement Land Register and Village Account, Taluk Account and FMB Prior to UDR Scheme and find out all the encroachments made by the



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Respondents Nos.4 to 6 and any other persons in the land in Survey Nos. 41/1, 41/2 and 35/10B and thereupon to remove their encroached portion of land in Survey Nos.41/1 and 41/2 in an extent of 3 ½ ft. and another portion of encroached land in survey No.35/10A from the land in Survey No. 35/10B in an extent of 4 feet by setting aside the patta in extent of their encroachment after giving all sort of reasonable opportunity to both the parties by perusing the title document and other document and further outer time may be fixed for exercising the removal of encroachment made by the respondents 4 to 6.

For Petitioner	: Mr.V.R.Venkatesan
For R-1 & R-2	: Mr.N.Satheesh Kumar, Additional Government Pleader
For R-3	: Mr.S.P.Maharajan, Special Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed this writ petition to set aside the impugned order passed by the second respondent, dated 06.02.2024 and to direct the authorities to remove the entire encroachment made in the petition mentioned place.

2. However, a perusal of the impugned order clearly shows that after issuance of notice under Sections 6 and 7 of the Tamil Nadu Land



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Encroachment Act, 1905, the encroachments have been removed. In view of the same, if the impugned order is set aside, then the authorities have to initiate fresh proceedings for removal of encroachment.

3. At this juncture, the learned counsel appearing for the petitioner, is not pressing the prayer for setting aside the order passed by the second respondent. In respect of removal of encroachment is concerned, it is stated by the Department that they have removed the entire encroachments.

4. In light of the above, there is no further order required in this writ petition. If there is any encroachment found, liberty is granted to the petitioner to agitate the matter afresh.

5. In the result, this writ petition stands dismissed. No Costs.

[D.K.K.,J.] [R.V.,J.]
07.03.2024

NCC : Yes / No
Index : Yes / No
PM



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WEB COPY



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

PM

ORDER MADE IN
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