



W.P(MD)No.11871 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

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A.Muthuramalingam

... Petitioner

VS.

- 1.The District Collector,
Office of the District Collector,
Sivagangai District..
- 2.The Assistant Director of Panchayats,
Office of Assistant Director of Panchayats,
Collectorate Complex,
Sivagangai.
- 3.Personnel Assistant to District Collector (Land),
Collectorate Building,
Sivagangai District.
- 4.The Tahsildar,
Thirupathur Taluk Office,
Thirupathur,
Sivagangai District.
- 5.The Block Development Officer (Village Panchayat),
Thirupathur Panchayat Union,
Thirupathur,
Sivagangai District.



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6.The President,
Olugamangalam Village Panchayat,
Thirupathur Panchayat Union,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents herein to consider the petitioner's representations dated 11.01.2021, 28.03.2022 and 18.05.2024 in accordance with law and remove the encroachments made in Survey Nos.130/21, 132/5, 132/6, 133/1 and 134/1 situated at Olugamangalam Village, Thirupathur Taluk, Sivagangai District within the time stipulated by this Court.

For Petitioner

: Mr.P.Mahendran

For Respondents

: Mr.S.Shaji Bino
Special Government Pleader
for R.1 to R.4

: Mr.N.Satheesh Kumar
Additional Government Pleader
for R.5 & R.6

ORDER

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for in this Writ Petition is for a Writ of Mandamus, to direct the respondents to consider the petitioner's representations dated 11.01.2021, 28.03.2022 and 18.05.2024 in accordance with law and remove the encroachments made in Survey Nos.130/21, 132/5, 132/6, 133/1 and 134/1 situated at Olugamangalam

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WEB COURT Village, Thirupathur Taluk, Sivagangai District within the time stipulated by this Court.

2.Heard Mr.P.Mahendran, learned counsel appearing for the petitioner, Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 5 and 6.

3.That in Survey Nos.130/21, 132/5, 132/6, 133/1 and 134/1 at Olugamangalam Village, Thirupathur Taluk, Sivagangai District, are the Government poramboke lands belong to the Village Panchayat. In those lands, there have been many encroachments by the Village people, thereby the proposed activities of development of infrastructure for construction of the buildings under various schemes of the Government to the Village Panchayat itself is getting affected. Therefore, in order to remove the said encroachment, the petitioner on behalf of the Village people had given representations individually and jointly along with other Village people to the first respondent/the District Collector and other respondents of the Revenue Department including the fifth respondent/the Block Development Officer, however, those representations since have not been yielded any



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results, despite such representations had been given from the year 2021 as stated in the prayer column, the petitioner has moved the present Writ Petition. Therefore, the learned counsel appearing for the petitioner seeks indulgence of this Court to issue suitable directions.

4.Heard Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 5 and 6, who would submit that it is a fact that there has been a lot of encroachments in the Government land in the Village concerned which are the main hindrance for the developmental activities to be undertaken for creating infrastructural facilities for the need of the Village people, therefore, steps are being taken to measure the lands and to identify the encroachers and after giving an opportunity by way of notice, all those encroachers would be removed in a phased manner within a reasonable time, they contended.

5.The said submissions made by Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.N.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents 5 and 6 are taken on record.



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6.In view of the same, this Court is inclined to dispose of this Writ Petition with a direction to the respondents herein to take effective steps to remove the encroachments by identifying the encroachers, after giving notice to them and such an exercise shall be immediately commenced and be completed within a period of three months from the date of receipt of a copy of this order.

7.With this direction, this Writ Petition is disposed of. However, there shall be no order as to costs.

[R.S.K.,J.] [G.A.M.,J.]
06.06.2024

NCC : Yes / No
Index : Yes / No
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R.SURESH KUMAR,J.
and
G.ARUL MURUGAN,J.

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ORDER MADE IN
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DATED : 06.06.2024