



W.P(MD)No.12905 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.06.2024

WEB COPY

CORAM:

THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.12905 of 2024

Manikandan

.. Petitioner

Vs

- 1.The District Collector,
District Collector Office,
Sivagangai District – 630562.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Sivagangai District – 630562.
- 3.The Tahsildar,
Thiruppuvanam Taluk,
Thiruppuvanam – 630606.
- 4.The Block Development Officer,
Block Development Office,
Thiruppuvanam.
- 5.Mr.Muniyandi
- 6.Mr.Bose
- 7.Mr.Rajendran
- 8.Mr.Harikrishnan
- 9.Mr.Soundarapandian
- 10.Mr.Boosai
- 11.Mrs.Latha @ Alankunithya



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12.Mr.Marimuthu
13.Mrs.Amaravathi

.. Respondents

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PRAYER Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to complete the removal of encroachment proceedings of the first respondent to the third respondent, vide Na.Ka.E4/326/2024, dated 15.03.2024, within a stipulated time that may be fixed by this Hon'ble Court.

For Petitioner	:	Mr.R.Senthilkumar
For R-1 to R-4	:	Mr.P.Thilak Kumar, Government Pleader

ORDER

THE HON'BLE ACTING CHIEF JUSTICE.
and
G.R.SWAMINATHAN, J.

Heard Mr.R.Senthilkumar, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader takes notice for the official respondents.

2. Considering the nature of relief sought by the petitioner, issuance of notice to private respondents is dispensed with.



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3. The petitioner has complained that encroachments have been committed in Survey No.411/9 in Ladanendal Revenue Village, Thiruppuvanam Taluk, Sivagangai District and that they should be removed. As early as on 15.03.2024, the office of the District Collector, Sivagangai District, issued a memorandum dated 15.03.2024, calling upon the Tahsildar to conduct spot inspection and take appropriate steps as per law and also file an action taken report. The petitioner rushed to this Court by filing W.P(MD)No.5073 of 2024 and the same suffered dismissal on 05.03.2024. Since even after lapse of three months, no action has been taken, the present writ petition has been filed.

4. We direct the third respondent to take action as per the memorandum dated 15.03.2024 issued by the first respondent. Survey shall be conducted. If encroachments are noticed, notices shall be issued to all the encroachers. Due process of law will be adhered to. If the petitioner's allegation that there is encroachment of public land turns out to be true, then all the encroachments shall be removed. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order.



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5. We make it clear that we have not gone into the merits of the matter.

Issuance of direction does not mean that we had accepted the statement of the petitioner that there is encroachment. Whether there is any encroachment or not, is a matter to be found out by the authorities concerned. If the answer is in affirmative, the encroachments shall be removed.

6. The writ petition is disposed of accordingly. No Costs.

(R.M.D., ACJ.) (G.R.S., J.)

18.06.2024

NCC: :Yes/No

Index :Yes/No

PM

To

1.The District Collector,
District Collector Office, Sivagangai District – 630562.

2.The Revenue Divisional Officer,
Revenue Divisional Office, Sivagangai District – 630562.

3.The Tahsildar,
Thiruppuvanam Taluk, Thiruppuvanam – 630606.

4.The Block Development Officer,
Block Development Office, Thiruppuvanam.



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