



W.P(MD)No.13386 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.06.2024

CORAM:

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

**W.P(MD)No.13386 of 2024
and W.M.P(MD)No.11812 of 2024**

Raja Mansingh

... Petitioner

VS.

1.The District Collector,
Trichy District.

2.The Tahsildar,
Lalgudi Taluk Office,
Lalgudi, Trichy District.

3.The Assistant Engineer,
Water Resource Department,
R.C.Division, Lalgudi Taluk,
Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records relating to the impugned order, dated 13.06.2024 issued under Ka.No.Ko.3/2024/Vu.Po(La) passed by the third respondent and quash the same.

For Petitioner

: Mr.M.Anbarasan

For Respondents

: Mr.S.Shaji Bino
Special Government Pleader



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ORDER

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The prayer sought for in this Writ Petition is for a Writ of Certiorari, to quash the impugned order, dated 13.06.2024, issued by the third respondent.

2. The petitioner has moved the present Writ Petition challenging the order, dated 13.06.2024, where the third respondent has given the said notice for removal of encroachment, which has admittedly been made by the petitioner. The impugned notice reads thus:

திருச்சி மாவட்டம், இலால்குடி வட்டம், ஜங்கமராஜபுரம் கிராமம் புல எண் 96/2-ல் WP(MD)No. 16785 of 2023- மற்றும் WP (MD): 23188/2023- உயர்நீதிமன்ற மதுரைக்கிளை தீர்ப்பிற்கிணங்க திரு. வெங்கடேசன் மற்றும் இம்மானுவேல் ஆகிய இருவரும் நீர்நிலை ஆக்கிரமிப்பினை தானாக அகற்றிக்கொள்ள ஒரு வாரம் (7 நாட்கள்) கால அவகாசம் அளிக்கப்படுகிறது. இல்லையெனில் 20.06.2024 அன்று ஆக்கிரமிப்பு அகற்றுவதற்கு வருவாய்த்துறை மற்றும் காவல்துறையின் உதவியோடு ஆக்கிரமிப்பு அகற்ற நடவடிக்கை மேற்கொள்ளப்படும் என தெரிவித்துக்கொள்ளப்படுகிறது.

உதவிப்பொறியாளர், நீதி, ஆ.பா.பிரிவு, இலால்குடி.



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3. Mr.M.Anbarasan, learned counsel appearing for the petitioner submits that though the petitioner had challenged the said impugned notice dated 13.06.2024, since it is admittedly an encroachment of the land belongs to the third respondent Department, only a breathing time of three months is required to vacate the land and to hand over the vacant possession to the third respondent.

4. Heard Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents.

5. Having regard to the said submission made by the learned counsel appearing for the petitioner, as he has admitted that it is an encroachment and he wants to vacate the same, for which, since he sought for time instead of three months, we feel that the maximum of two months period alone can be given from the date of receipt of a copy of this order, within which, the petitioner shall vacate the land in question and hand over the vacant site to the third respondent. It is made clear that no request for further extension of time shall be entertained under any circumstances.



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6. With the above direction, this Writ Petition is disposed of.

However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

[R.S.K.,J.] [G.A.M.,J.]
24.06.2024

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

ps

ORDER MADE IN
W.P(MD)No.13386 of 2024

DATED : 24.06.2024