



W.P.(MD) No.14325 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.07.2024

CORAM:

THE HONOURABLE **MR.JUSTICE R.SURESH KUMAR**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.P.(MD)No.14325 of 2024

R.Seenivasan

... Petitioner

-Vs-

- 1.The District Collector,
O/o. The District Collector,
Tenkasi District.
- 2.The District Revenue Officer,
Office of the District Revenue Officer,
Tenkasi District.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sankarankovil, Tenkasi District.
- 4.The Tahsildar,
Ottapidaram Taluk, Thoothukudi District.
- 4.The Tahsildar,
Sankarankovil Taluk Office,
Sankarankovil, Tenkasi District.
- 5.The Block Development Officer,
Sankarankovil Union, Sankarankovil,
Tenkasi District.



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6.The President,
Therku Sankarankovil Village Panchayat,
Tenkasi District.

7.Nallamuthusamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 herein to take immediate action for removal of the encroachments made in the Nilaviyal Vandipathai / Cart Track in the property comprised in S.Nos.710, 722, 717, 716, 721, 713 situated at South Sankarankovil Village in accordance with G.O.Ms.No.540 of 2014 and to bring the land to its original form and clear the encroachments by considering the petitioner's representation dated 11.08.2023 within the time stipulated by this Court.

For Petitioner : Mr.S.Sathyachidambaram
For R1 to R6 : Mr.P.Thilak Kumar,
Government Pleader

ORDER

[Order of the Court was made by *R.SURESH KUMAR, J.*]

The prayer sought for in this Writ Petition is to direct the respondents 1 to 6 to take immediate action for removal of the encroachments made in the Nilaviyal Vandipathai / Cart Track in the property comprised in S.Nos.710, 722, 717, 716, 721, 713 situated at South Sankarankovil Village in accordance with



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G.O.Ms.No.540 of 2014 and to bring the land to its original form and clear the encroachments by considering the petitioner's representation dated 11.08.2023 within the time stipulated by this Court.

2.Heard Mr.S.Sathyachidambaram, learned counsel appearing for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who takes notice for the respondents 1 to 6. In view of the order, that is going to be passed in this Writ Petition, issuance of notice to the 7th respondent is dispensed with.

3.The learned Government Pleader for the official respondents, on instructions, would submit that out of the several survey numbers mentioned in the prayer sought for in this Writ Petition, except S.No.710, which is water catchment area, all other survey numbers are patta lands. Insofar as S.No.710 is concerned, there have been four encroachments, including the 7th respondent and insofar as those encroachments are concerned, already actions have been initiated under Act III of 1905, (hereinafter referred to as 'the Act'), including the order under Section 6 of the Act.

4.When that being so, pursuant to the said action already initiated and order issued under Section 6 of the Act, further persuasive action would be taken



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and the encroachments in S.No.710 would immediately be removed and such action would be taken as quickly as possible by the 4th respondent / Tahsildar, he contended.

5.The said submission is taken on record.

6.In view of the said stand taken by the revenue authorities, especially, the 4th respondent, they shall act upon and if there is any encroachment still there in S.No.710, which is being poramboke land / water catchment area, immediate remedial action should be taken to remove the encroachments in accordance with law, of-course, under the provisions of the Act, namely, Act III of 1905, within a period of one month from the date of receipt of a copy of this order.

7.With this direction, this Writ Petition stands disposed of. No costs.

[R.S.K., J.] & [G.A.M., J.]
02.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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To

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3. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
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4. The Tahsildar,
Ottapidaram Taluk, Thoothukudi District.
4. The Tahsildar,
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5. The Block Development Officer,
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6. The President,
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