



WP(MD). No.16819 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19/12/2024

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE L.VICTORIA GOWRI

W.P.(MD). No.16819 of 2021

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Petitioner

-VS-

1 The District Collector,
Thoothukudi District

2 The Assistant Director of Panchayats,
Thoothukudi.

3 The Block Development Officer,
Alwarthirunagari Panchayat Union,
Thoothukudi District

4 Mrs.Shobia,
The Panchayat President / Executive Officer,
Punnaikayal Panchayat, Tiruchendur Taluk,
Thoothukudi District.

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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 pertaining to the impugned communication made by the 3rd respondent vide his letter in A3/2649/2021, dated 04.09.2021, and quash the same.

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For Petitioner : Mr.R.Anand

For Respondents 1 to 3 : Mr.P.Thilak Kumar,
Govt. Pleader.

ORDER

**(Order of the Court was made by
the Hon'ble The Chief Justice)**

Petitioner has impugned the notice, dated 04.09.2021, in which it is alleged that petitioner has encroached upon Survey No.93/17. The impugned notice has also been issued, as stated in the notice, in view of an order passed by a Co-ordinate Bench of this Court on 09th August,2021, in W.P.(MD) No.13680 of 2021.

2. Counsel for petitioner states that the order of this Court passed on 09th August,2021, referred to earlier, pertains to encroachment upon the pathway in Survey No.86/28 of South Street, Punnaikayal Village, Tiruchendur Taluk, and has nothing to do with Survey No.93/17.

3. Learned Government Pleader states that even though the impugned letter wrongly quotes the order passed by the Division Bench in W.P.(MD) No.13680 of 2021, the fact that the petitioner is an



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encroacher cannot be disputed. Learned Government Pleader states that his instructions are, encroachment in Survey No.96/17 has already been removed and nothing would survive in the petition.

4. Counsel for petitioner states, he has no instructions.

5. We dispose of the Writ Petition with liberty to petitioner to take steps, as advised, in accordance with law, in case the encroachment has been removed. No costs. Consequently, the connected W.M.P.(MD) Nos.13703 and 13704 of 2021 are closed.

(K.R.SHRIRAM, C.J.)

(L.VICTORIA GOWRI, J.)

19.12.2024

NCC : Yes/No
Index : Yes/No

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**THE HON'BLE CHIEF JUSTICE
AND
L.VICTORIA GOWRI, J.**

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