



W.P(MD)No.11847 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.11847 of 2018

M.Thangavel

... Petitioner

VS.

- 1.The District Collector,
District Collector Office,
Pudukkottai District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Illuppur,
Pudukkottai District.
- 3.The Tahsildar,
Tahsildar Office,
Illuppur,
Pudukkottai District.
- 4.Periyasamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to take necessary action to evict the encroachments of the fourth respondent from Survey No.106/5 measuring 0.05.0 ares in Perunjunai Village, Pudukkottai District.

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For Petitioner : Mr.V.Selva
For Respondent Nos.1 to 3 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has come forward with this Writ Petition, seeking for a direction to the respondents 1 to 3 to take necessary actions to evict the encroachments of the fourth respondent in Survey No.106/5 measuring 0.05.0 ares in Perunjunai Village, Pudukkottai District.

2.According to the petitioner, for the similar relief, earlier he filed a Writ Petition in W.P(MD)No.16986 of 2015 and the Division Bench of this Court, by order dated 21.09.2015, directed the petitioner to file a petition before the competent authority. Pursuant to the same, the petitioner submitted a representation, dated 21.10.2017 to the respondents 1 to 3. Till date, no action has been taken. Hence, this writ petition.



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3.Learned Additional Government Pleader appearing for the respondents 1 to 3 would submit that the third respondent will consider and dispose of the petitioner's representation dated 21.10.2017 on merits and in accordance with law and appropriate action will be taken for removal of encroachment, if any, in the place in question by due process of law within a time frame, for which, learned counsel for the petitioner is agreeable.

4.Recording the above submissions, the third respondent is directed to consider and dispose of the representation of the petitioner dated 21.10.2017 on merits and in accordance with law. If there is any encroachment in the place in question, after issuing notice and conducting survey in the presence of all the parties concerned, the authorities concerned shall take necessary action for removal of encroachments, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above direction, the Writ Petition is disposed of. No costs.

[D.K.K.,J.] [R.V.,J.]
20.02.2024

NCC : Yes / No
Index : Yes / No
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D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
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