



W.P.(MD) No.24624 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.09.2024

CORAM:

THE HONOURABLE **MR.D.KRISHNAKUMAR,**

THE ACTING CHIEF JUSTICE

AND

THE HONOURABLE **MR.JUSTICE MOHAMMED SHAFFIQ**

W.P.(MD)No.24624 of 2018

and

W.M.P.(MD)No.22329 of 2018

K.P.Lasar

... Petitioner

-Vs-

1.The District Collector,
Trichirappalli District.

2.The Tahsildar,
Manaparai Taluk, Trichy District.

3.P.Inasimuthu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 and 2 to initiate legal action as against the 3rd respondent and consequently, to direct them to remove the encroachment made in Survey No.476/11 of Periyapatti Village, Manaparai Taluk, Trichy District.



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For Petitioner : Mr.S.Gopalakrishnan
For R1 & R2 : Mr.P.Thilakkumar,
Government Pleader
For R3 : Mr.N.S.Karthikeyan,
for Mr.B.Ramanathan

ORDER

[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]

This Writ Petition is filed, seeking for a direction to the respondents 1 and 2 to initiate legal action against the 3rd respondent and to remove the encroachment made in Survey No.476/11 of Periyapatti Village, Manaparai Taluk, Trichy District.

2.It is the case of the petitioner that the land in Survey No.476/11 is classified as Government Poramboke and Survey No.476/10 belongs to the 3rd respondent, where the 3rd respondent constructed a residential house. However, he encroached the land in Survey No.476/11 by constructing two storied building. Therefore, pointing out the same, the petitioner made a representation dated 13.08.2018 to the respondents 1 and 2. Since the same has not been considered so far, the petitioner has filed this Writ Petition.



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3.The learned Government Pleader appearing for the respondents 1 and 2, by relying upon the counter affidavit filed by the 2nd respondent, would submit that natham patta was granted to the 3rd respondent only in respect of Survey No.476/10. However, he encroached the Government Poramboke land in Survey No.476/11 and constructed two storied building and he has been in possession and enjoyment of the same. Therefore, necessary action in this regard would be taken by following due process of law.

4.In view of the said submission, this Writ Petition is disposed of, with a direction to the 2nd respondent to remove the encroachment made by the 3rd respondent by following due process of law, after providing opportunity to him, within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., A.C.J.] & [M.S.Q., J.]
06.09.2024

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

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To

- 1.The District Collector,
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- 2.The Tahsildar,
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