



W.P(MD)No.14795 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.02.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE G.ILANGO VAN**

W.P(MD)No.14795 of 2018

S.Sevugan

... Petitioner

Vs.

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Madurai East Taluk, Madurai District.

3.The Meenashipuram Panchayat,
Rep. by its the Block Development Officer,
Madurai East, Madurai District.

4.R.Eswaran

5. R.Jeyaraman

6. C.Thandapani

7. K.Munichamy

.. Respondents



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PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachments of the respondents 4 to 7 made in the land in Survey Nos.28/3 and 30/2, situating in Gandhi Nagar Village, Meenakshipuram II Pit, Madurai East Taluk, Madurai District by considering the petitioners representation dated 14.03.2017 within the time limit that may be stipulated by this High Court.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R1 to R3
Mr.A.Haja Mohideen for R7
Mr.K.Mahendran for R4 & R5
No Appearance for R4 and R5

ORDER

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

Heard the learned counsel for the parties.

2. The learned counsel for the petitioner submits that S.Nos.28/3 and 30/2 situate at Gandhi Nagar Village, Meenakshipuaram II Pit, Madurai East Taluk, Madurai District is a school play ground and a grazing land. According to him, respondents 4 to 7 have encroached upon the same.

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3. The learned Advocate for respondents 4 to 7 submits that the said lands are not meant for public purpose, for school playground or for grazing. At the beneath of a rocky terrain the poor persons have constructed thatched houses. The same is not an objectionable portion of land.

4. The learned Additional Government Pleader submits that the land in question is a Government land meant for school playground and grazing. According to the learned Additional Government Pleader the survey would be conducted in respect of the said land and if encroachment is found, action in accordance with the provisions of the Tamil Nadu Land Encroachment Act, 1905, would be undertaken.

5. Naturally, the proceedings under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905, will be resorted to. Section 7 of the Tamil Nadu Land Encroachment Act, 1905 is in the nature of a show cause notice. Opportunity would be available to respondents 4 to 7 to reply to the same, which reply, certainly, is required to be considered by the authorities on its own merits and then proceed under Section 6 of Tamil Nadu Land Encroachment Act, 1905.



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6. The survey shall be conducted within three months from today and based upon the report of the survey, steps would be taken in accordance with law.

7. The learned counsel for respondents 4 to 7 submits that the petitioner is also an encroacher. The action shall be taken in respect of all encroachments.

8. This Writ Petition is disposed of. No costs.

(S.V.G., CJ.)

(G.I., J.)

27.02.2024

NCC : Yes/No
Index : Yes/No
vsm



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