



W.P(MD)No.22637 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2024

CORAM:

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

**W.P(MD)No.22637 of 2018
and
W.M.P(MD)No.20520 of 2018**

Malaiselvam

... Petitioner

VS.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
- 3.The Revenue Divisional Officer,
Ramanathapuram District,
Ramanathapuram.
- 4.The Tahsildar,
Thiruvadanai,
Ramanathapuram District,
Ramanathapuram.
- 5.The Executive Officer,
Thondi Town Panchayat,
Thondi,
Ramanathapuram District.

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6.The Village Administrative Officer,
Thondi Village,
Thondi,
Ramanathapuram District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the impugned notice dated 29.09.2018 under Section 6 of (Chennai) Tamil Nadu III 1905, in respect of Survey Nos.49, 50 and 51 and quash the same and consequently direct the respondents not to take any action under the Tamil Nadu Encroachment Act, 1905.

For Petitioner

: Mr.K.Selvam

For Respondents

: Mr.S.P.Maharajan
Special Government Pleader

ORDER

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

The petitioner has filed the present Writ Petition, to quash the the impugned notice dated 29.09.2018 issued by the fourth respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, in respect of the property in Survey Nos.49, 50 and 51, Pudukudi Village and consequently to direct the respondents not to take any action under the Tamil Nadu Encroachment Act, 1905.



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2.When the matter was taken up for hearing today, the learned Special Government Pleader appearing for the respondents would submit that the petitioner has encroached in the prohibited area of the coastal regularization zone and the same cannot be permissible to encroach and convert into the house site. Hence, the order issued by the fourth respondent is perfectly valid and the same does not warrant any interference.

3.Recording the abovesaid submission, we are not inclined to interfere with the impugned notice, dated 29.09.2018 issued by the fourth respondent. Accordingly, the Writ Petition stands dismissed. If any representation made by the petitioner for providing an alternative site, the authority concerned is directed to consider the same in accordance with law, within a period of twelve weeks from the date of receipt of a copy of the said representation. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
27.02.2024

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

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ORDER MADE IN
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