



W.P.(MD)No.25820 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.25820 of 2024

and

W.M.P.(MD)No.21907 of 2024

C.Thiyagarajan

: Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Karur,
Karur District.

2.The Tahsildar,
O/o. Tahsildar,
Krishnarayapuram Taluk,
Karur District.

3.Rajamanickam

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records



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relating to the impugned order passed by the second respondent in
Na.Ka.No.A2/1879/2023 dated 09.10.2024 and quash the same.

For Petitioner : Mr.R.Ramaguru
For Respondents 1 & 2 : Mr.S.R.A.Ramachandran
Additional Government Pleader

O R D E R

[Order of the Court was made by M.S.RAMESH, J.]

The order under Section 6 of “the Tamil Nadu Land Encroachment Act, 1905” [hereinafter referred to as “the Act” for brevity], claiming that the petitioner had encroached upon S.No. 167/27 which is classified as a Public Street is under challenge in this Writ Petition. The preceding notice under Section 7 of the Act also refers to the survey number as 167/27.

2.Learned Additional Government Pleader appearing for the official respondents on instructions submitted that the eviction proceedings which the respondents intended to initiate was for the petitioner's alleged encroachment at S.No.162/27, which is the correct classification and not S.No.167/27, as stated in the notice under Section 7, as well as the order under Section 6. He would



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further submit that they may be granted liberty to proceed against the petitioner who has encroached upon S.No.162/27.

3.In the light of the submission made, the impugned order is quashed with liberty to the respondents to initiate fresh proceedings against the alleged encroachers in S.No.162/27.

4.Accordingly, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]
11.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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M.S.RAMESH, J.
and
A.D.MARIA CLETE, J.

MR

ORDER MADE IN
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