



**W.P.(MD)No.22255 of 2017**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED: 22.01.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**and**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.(MD)No.22255 of 2017**

A.Karuppaiah

: Petitioner

Vs.

1.The District Collector,  
Sivagangai,  
Sivagangai District.

2.The Revenue Divisional Officer,  
Sivagangai,  
Sivagangai District.

3.The Tahsildar,  
Thiruppuvanam Taluk Office,  
Thiruppuvanam,  
Sivagangai District.

4.The Block Development Officer,  
Thiruppuvanam,  
Sivagangai District.

5.S.Natarajan

: Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to remove the encroachment made by the fifth respondent in S.No. 574/5 at Sambakulam Village, Melarangiyam, Thiruppuvanam Taluk, Sivagangai District in the light of the third respondent proceedings in Na.Ka.A4/3994/2015, dated 19.11.2015 on the basis of the petitioner's representation dated 08.12.2016 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.T.Sasidharan Tamilkani  
For Respondents 1 to 4 : Mr.S.P.Maharajan  
Special Government Pleader  
For Respondent No.5 : Mr.R.Udhaya Kumar

**O R D E R**

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**[Order of the Court was made by D.KRISHNAKUMAR, J.]**

This Writ Petition has been filed for a direction to the respondents to remove the encroachment made by the fifth respondent in S.No.574/5 at Sambakulam Village, Melarangiyam, Thiruppuvanam Taluk, Sivagangai District, in the light of the proceedings of the third respondent in Na.Ka.A4/3994/2015, dated 19.11.2015 on the basis of the petitioner's representation dated 08.12.2016.



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**2.**According to the petitioner, the property in S.No.574/5 measuring an extent of 0.01.78 is classified as 'Government Poramboke land' which is situate at Melarangiyam Village, Thiruppuvanam Taluk, Sivagangai District. According to the petitioner, the said land was used as a pathway by the villagers. The fifth respondent has encroached upon the said pathway and constructed a house in a portion of the said land. In this regard, the petitioner has made a representation dated 08.12.2016. Since there is inaction on the part of the respondents, the petitioner has come up with the present Writ Petition before this Court for removal of encroachments made by the fifth respondent.

**3.**The learned Counsel for the fifth respondent would submit that the petitioner himself is an encroacher in S.Nos.61/3, 61/15, 61/17, 573/1 and 573/4 and therefore he has no *locus standi* to file a writ petition before this Court.

**4.**Learned Special Government Pleader appearing for the official respondents would submit that the third respondent Tahsildar has filed a counter affidavit stating that the respondents 1 to 3 have been duly taking action for removal of encroachments in the lands in question and notice under Section 5 of the Tamil



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Nadu Land Encroachment Act, 1905, dated 15.02.2017 has been sent to the fifth respondent. He further submitted that action will be taken to remove the encroachments made by the petitioner as well as the private respondent, by following the procedures as contemplated under law.

5. Therefore, in view of the above, we direct the official respondents to take all appropriate action for removal of encroachments, if any, made by the petitioner as well as the fifth respondent, in accordance with law within a period of twelve [12] weeks from the date of receipt of a copy of this order, after affording opportunity to the parties concerned.

6. Accordingly, this Writ Petition stands disposed of. There shall be no order as to costs.

**[D.K.K.,J.] & [M.S.K.,J.]**

**22.01.2024**

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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**and**  
**MUMMINENI SUDHEER KUMAR, J.**

MR

**ORDER MADE IN**  
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