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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2024

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

W.P.(MD).No.29160 of 2024
and
W.M.P.(MD).Nos.24675 and 24676 of 2024

Padma ... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The Assistant Director,
Town Panchayat
Tenkasi District,
Tenkasi.

3.The Tashildar,
Sivagiri, Tenkasi District,
Tenkasi.

4.The Executive Officer,
Sivagiri Town Panchayat,
Tenkasi District,
Tenkasi. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari, calling for the records relating to the impugned order

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of the 4th respondent in Na.Ka.No.31/2024 dated 18.11.2024 and quash the same.

For Petitioner : Mr.R.Maheswaran
For Respondents : Mr.S.R.A.Ramachandran
Additional Government Pleader

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

Claiming that the lands in Survey No.627/2044-2046 have been classified as Natham and therefore, the respondents have no authority to initiate eviction proceedings under Section 128 of the Tamil Nadu Urban Local Bodies Act, under the guise of encroachment, the present Writ Petition has been filed.

2. Based on the earlier directions of this Court, the respondents have produced the original revenue records, wherein, the present Survey No.627/2046 correlates to Old Survey No.99, which has been shown as Nethaji Road.

3. It is also submitted by the learned Additional Government Pleader appearing for the respondents that other than the petitioner herein, similar

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encroachers have already been evicted from the premises and only because a Writ Petition has been filed, the eviction proceedings has come to a stand still.

4. When the original revenue records itself reveal that the lands, which are in occupation of the petitioner herein, is a public road, the eviction proceedings initiated under the Act cannot be found fault with. In view of the same, no interference is required to the impugned order.

5. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(M.S.R.,J.) (N.S.,J.)
09.12.2024

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

To

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Tenkasi.

2.The Assistant Director,
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3.The Tashildar,
Sivagiri, Tenkasi District,
Tenkasi.

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M.S.RAMESH,J.
and
N.SENTHILKUMAR,J.

Lm

W.P.(MD).No.29160 of 2024

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