



W.P.(MD) No.1744 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

**W.P.(MD) No.1744 of 2019
and
W.M.P.(MD) No.1488 of 2019**

S.Ranganathan

... Petitioner

-VS-

- 1.The Commissioner
H.R. & C.E. Department
119, Uthamar Gandhi Road
Nungambakkam
Chennai-600 034
- 2.The Joint Commissioner
H.R. & C.E.Department
Muthusamy Nagar
Sivagangai-630 501
- 3.The Assistant Commissioner
H.R.& C.E.Department
Virudhunagar-626 001
- 4.The District Collector
Virudhunagar District
Virudhunagar



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5.The Sub Registrar
Rajapalayam
Virudhunagar District

6.N.K.Beema Raja

7.Yogesh

8.Karthick

9.Harinatha Raja

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to take appropriate steps for the removal of encroachments in the land bearing Survey No.102/4, measuring about 17.67 Acres of Pudhupalayam Village, Rajapalayam Taluk, Virudhunagar District, on considering the petitioner's representation dated 06.12.2018.

For Petitioner : Ms.J.Roshini
for Mr.G.Prabhu Rajadurai

For Respondents : Mr.P.Subbaraj
Special Government Pleader for R1 to R3
Mr.P.Thilakkumar
Government Pleader for R4 & R5
Ms.M.Chitra
for Mr.I.Vel Pradeep for R6
Mr.Saravanan
for Mr.A.Sivaji for R8
Not ready notice for R7 & 9



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ORDER

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

The relief sought for in the present writ petition is to direct the respondents 1 to 3 to take appropriate steps for the removal of encroachments in the land bearing Survey No.102/4, measuring about 17.67 Acres of Pudhupalayam Village, Rajapalayam Taluk, Virudhunagar District, on considering the petitioner's representation dated 06.12.2018.

2. Learned counsel appearing for the eighth respondent would submit that the suit instituted by the petitioner in O.S.No.99 of 2011 was rejected by the High Court by order dated 26.07.2018 in C.R.P.(PD) (MD) No. 1878 of 2015.

3. However, the civil rights claimed in the civil suit is one aspect of the matter. Regarding removal of encroachments, the competent authorities are empowered to conduct inspection and survey independently and if any encroachments or unauthorized constructions are identified, the authorities concerned are empowered to issue notice under the relevant provisions of the act and rules and remove the encroachments or demolish the unauthorized constructions.



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4. Learned counsel for the petitioner would submit that the suit was filed by the petitioner seeking not to convert the agricultural lands into housing plots. Therefore, the relief sought for in the above said suit is unconnected with the relief sought for in the present writ petition.

5. In view of the above facts, the respondents 1 to 4 are directed to conduct an inspection, survey and if any encroachments or unauthorized constructions are identified, all appropriate actions are to be initiated for removal of encroachments or demolition of unauthorized constructions by following the procedures as contemplated under the relevant act and rules.

6. With the above observations, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[A.D.M.C., J.]

24.06.2025

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

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