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W.P.(MD)NO.15460 OF 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.15460 of 2018 AND

W.M.P.(MD)Nos.13926 & 13927 of 2018

P.J.C.Suresh

... Petitioner

Vs.

1. The District Collector,
Tuticorin District,
Tuticorin.

2. The Tahsildar,
Tuticorin Taluk,
Tuticorin District.

3. The Assistant Executive Engineer,
Public Works Department,
West Great Cotton Road,
Tuticorin-628 001.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the 2nd Respondent in his proceedings dated 23.03.2018 in Na.Ka.A3/1854/2018 issued u/s.7 of the Land Encroachment Act, 1905 and the consequential order issued u/s 6 of the Land Encroachment Act, 1905 dated 07.06.2018 and quash the same as without jurisdiction and non application of mind and



consequently direct the respondents not to interfere in the peaceful possession of the land in Survey No. 786/1 in Mullakadu Part I Village, Tuticorin District to an extent of 0.01.63 ares(4 cents).

For Petitioner : Mr.Ananth C.Rajesh

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

* * *

ORDER

Heard both sides.

2. The petitioner challenges the order passed under Section 6 of the Tamil Nadu Land Encroachment Act. The learned counsel appearing for the petitioner contends that the explanation given by him in response to the notice under Section 7 of the Act was not considered. We went through the explanation. The petitioner has only pleaded for mercy. The petitioner has not stated that he is having right or title over the said property.

3. The learned Additional Government Pleader confirms that the site occupied by the petitioner is a water body. The petitioner's counsel does not have instructions. The learned Additional



Government Pleader would point out that the shop has been closed and it is lying in an unused condition. Nothing stopped the respondents from enforcing the order under Section 6 of the Act. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
06th March 2025

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

To:

1. The District Collector,
Tuticorin District,
Tuticorin.
2. The Tahsildar,
Tuticorin Taluk,
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