



W.P(MD)No.21194 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

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and

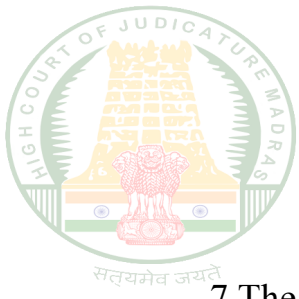
W.M.P.(MD)No.24696 of 2023

R.Perumalraj

... Petitioner

Vs.

- 1.The Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George, Chennai – 600 009.
- 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai.
- 3.The District Collector,
Dindigul District,
Dindigul.
- 4.The District Revenue Officer,
Dindigul District, Dindigul.
- 5.The Revenue Divisional Officer,
Palani, Dindigul District.
- 6.The Tahsildar,
Gujiliyamparai,
Dindigul District.



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7.The Executive Officer,
Palayam Town Panchayat,
Gujiliyamparai,
Dindigul District.

8.Ayyanar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 to 7 to remove the encroachments made by the 8th Respondent in river channel situated in S.No.2428, Palayam village, Gujiliyamparai Taluk, Dindigul District in light of the proceedings of the 3rd Respondent in Na.Ka.No.Oo.Mu.No.1058329/2023/D2 dated 26.06.2023 by considering the petitioner's representation dated 17.06.2023.

For Petitioner : Mr.C.Susikumar

For Respondents : Mr.K.Balasubramani,
Spl. Govt. Pleader for R1 to R6 & R7.
Mr.N.Dilip Kumar for R8.

ORDER

Heard both sides.



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2.The petitioner alleges that the eighth respondent has committed encroachment.

3.The learned counsel for the eight respondent as well as the learned Special Government Pleader confirm that on account of natural calamity and other reasons, a channel that was running through S.No. 2428 changed course to S.No.2400, which is the patta land of the eight respondent. In fact, the revenue authorities themselves have proposed to grant an alternative land in favour of the eight respondent by way of exchange.

4.Since the eighth respondent could not use his patta land, he is said to be running a tea shop in S.No.2428. By no stretch of imagination, can this be called as an act of an encroachment by the eight respondent. The eighth respondent will abide by the order passed by the second respondent. The second respondent is directed to take a decision on the proposal dated 28.01.2009 within a period of three months from the date of receipt of a copy of this order.



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5.This writ petition is dismissed with the aforesaid observations.

No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S.J.,) & (B.P.J.,)
20.03.2025

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

To:-

- 1.The Secretary to Government,
Revenue and Disaster Management Department,
Fort St. George, Chennai – 600 009.
- 2.The Commissioner of Land Administration,
Ezhilagam, Chepauk, Chennai.
- 3.The District Collector,
Dindigul District,
Dindigul.
- 4.The District Revenue Officer,
Dindigul District, Dindigul.
- 5.The Revenue Divisional Officer,
Palani, Dindigul District.



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6.The Tahsildar,
Gujiliyamparai,
Dindigul District.

7.The Executive Officer,
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Dindigul District.



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**G.R.SWAMINATHAN, J.
and
B.PUGALENDHI, J.**

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