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W.P.(MD)NO.22758 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.22758 of 2019

M.Periyasamy

... Petitioner

Vs.

1. The District Collector,
District Collectorate Office,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar,
Sivakasi Tahsildar Office,
Sivakasi,
Virudhunagar District.
3. The Block Development Officer,
Sivakasi Block, Sivakasi,
Virudhunagar District.
4. The Assistant Engineer,
Public Welfare Department,
Sivakasi, Virudhunagar District.
5. The Village Administrative Officer,
Annaiyur Village, Annaiyur,
Sivakasi, Virudhunagar District.
(R-2 to R-5 are impleaded vide order dated 10.10.2023
in W.M.P.(MD)No.22251 of 2019)



6. The District Revenue Officer,
Virudhunagar.

(R-6 is *suo motu* impleaded vide order dated 10.10.2023
in W.P.(MD)No.22758 of 2019

7. K.Mariyappan

8. R.Kannan

9. R.Thiyagarajan

(R-7 to R-9 are impleaded vide order dated 23.11.2023
in W.M.P.(MD)No.22506 of 2023)

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass appropriate orders to remove the encroachment in Reddikulam Kanmai situated in survey No.571/1, 571/2 and 571/3 Tank Poramboke, Anaiyur Village, Sivakasi Taluk, Virudhunagar District within the stipulated period by this Court based on the petitioner's representation to the respondents dated 08.10.2018.

For Petitioner : Mr.S.Selvakumar

For R-1 to R-6 : Mr.K.Balasubramani,
Special Government Pleader.

For R-7 to R-9 : No appearance.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for the official respondents.



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2. The petitioner alleges that Reddikulam Kanmoi comprised in survey Nos.571/1, 571/2 and 571/3 Aanaiyur Village has been encroached upon.

3. The learned Special Government Pleader based on the revenue records states that survey No.571/1 has been classified as water body and patta has been issued in respect of survey Nos.571/2 and 571/3.

4. It is further undertaken by the official respondents that whatever encroachments committed in survey No.571/1 will be cleared and the real position shall be restored. We record the said undertaking. The authorities shall abide by the undertaking within period of four months from the date of receipt of a copy of this order.

5. The learned counsel appearing for the petitioner states that the entire survey No.571 is only a water body and issuance of patta in respect of survey Nos.571/2 and 571/3 is incorrect. It appears that this change had taken place during UDR. We grant leave to the



petitioner to file an appropriate petition before the jurisdictional District Revenue Officer. We make it clear that limitation will not come in the way if any such petition is filed by the petitioner before the jurisdictional District Revenue Officer. The jurisdictional District Revenue Officer will pass final order after complying with the principles of natural justice. This writ petition stands disposed of accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)
15th April 2025

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

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To:

1. The District Collector,
District Collector Office,
Virudhunagar District,
Virudhunagar.
2. The Tahsildar,
Sivakasi Tahsildar Office,
Sivakasi,
Virudhunagar District.
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6. The District Revenue Officer,
Virudhunagar.



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AND

B.PUGALENDHI, J.

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