



W.P(MD)No.22006 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.22006 of 2023

S.Sheik Amanullah

... Petitioner

VS.

- 1.The District Collector,
Sivaganga District,
Sivaganga.
- 2.The Tahsildar,
Ilayankudi Taluk,
Sivagangai District.
- 3.The Block Development Officer,
Union Panchayat,
Ilayankudi Union,
Sivagangai District.
- 4.A.T.Syed



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5.The Executive Officer,
Ilayankudi Town Panchayat,
Ilayankudi Taluk,
Sivagangai District.

... Respondents

(R – 5 is impleaded vide order dated 08.03.2024 in
W.M.P(DM)No.26129 of 2023)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 3 to take necessary steps to remove the encroachment made by the 4th respondent in S.No.109/322 an extent of 3 meters in the public pathway of Ilayankudi Union, Sivagangai District in view of the proceeding of the Special Thasildar in F.L.No.11/2023 dated 17.07.2023 and considering the petitioner's representation dated 29.07.2023, within the period stipulated by this Court.

For Petitioner : Mr.S.Atham Ali

For RR 1 to 3 & 5 : Mr.S.P.Maharajan
Special Government Pleader

For R – 4 : Mr.J.Lawrance



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ORDER

(Order of the Court was made by G.ARUL MURUGAN, J.)

Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 3 and 5 and the learned counsel appearing for the fourth respondent.

2.This Writ Petition is filed seeking for a direction to the respondents 1 to 3 to remove the encroachments made by the fourth respondent in the subject property.

3.Pending the Writ Petition, the fifth respondent was impleaded as a party.

4.The learned counsel appearing for the fourth respondent contended that the fourth respondent is in possession and enjoyment of the subject property.



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5.The learned Special Government Pleader appearing for the respondents 1 to 3 & 5 submitted that an inspection was conducted, pursuant to which encroachments in the subject property were identified. Based on the identification, proceedings under the Tamil Nadu Land Encroachment Act, 1905, have been initiated by issuing a notice under Section 7 of the Act, 1905.

6.However, the learned counsel appearing for the fourth respondent submitted that the fourth respondent is yet to receive the notice issued under Section 7 of the Act, 1905.

7.In view of the abovesaid submissions made, the official respondents are directed to issue notice under Section 7 of the Act, 1905, to the encroachers, if not already issued. On receipt of the reply from the encroachers, the official respondents shall proceed further and complete the enforcement action contemplated under the provisions of the Act and Rules.



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Such enforcement action shall be initiated and completed within a period of twelve weeks from date of receipt of a copy of this order.

8. With the above observations, this Writ Petition is disposed of.

There shall be no order as to costs.

[S.M.S.,J.] & [G.A.M.,J.]
25.08.2025

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



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- 4.The Executive Officer,
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S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

ps

ORDER MADE IN
W.P(MD)No.22006 of 2023

DATED : 25.08.2025

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