



W.P(MD)No.27656 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 13.02.2025

CORAM

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

**W.P(MD)No.27656 of 2024
and
W.M.P(MD)Nos.23471 & 23474 of 2024**

Karuppaiah

... Petitioner

Vs.

1.The Principal Secretary,
Revenue and Disaster Management,
Fort St.George,
Chennai.

2.The District Collector,
Collectorate,
Pudukkottai & District.

3.The Tahsildar,
Taluk Office,
Thirumayam Taluk,
Pudukkottai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to order dated 05.11.2024 vide G.O.(Grade)No. 471 issued by the first respondent and



W.P(MD)No.27656 of 2024

quash the same as illegal and consequently forbear the respondents from proceedings for removal of encroachment in SF.No.963/10 having an extent of 1.5 Acres (0.61.0 Hectare) is situate at Thekkatur Village, Thirumayam Taluk, Pudukkottai District.

For Petitioner : Mr.A.Arul Jenifer

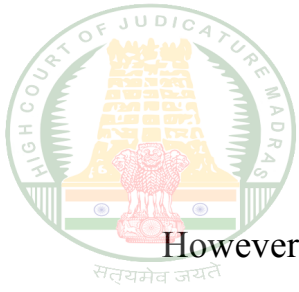
For Respondents : Mr.K.Balasubramani
Special Government Pleader

ORDER

Heard both sides.

2.The petitioner was in occupation of Survey No.963/10 in Thekkatur Village. Action was taken under Section 6 of the Tamil Nadu Land Encroachment Act, 1905. His appeal under Section 10 was dismissed. His revision before the Government was also dismissed. Challenging the rejection order passed by the Government vide G.O(Ms)No.471 dated 05.11.2024, this writ petition came to be filed.

3.The learned counsel appearing for the petitioner strongly submitted that the petition mentioned survey number is actually not a water body.



W.P(MD)No.27656 of 2024

However, there are some materials on the side of the Government to indicate that it was a water body. We do not want to go into this aspect of the matter.

The fact remains that the petitioner is an encroacher. It is also stated that encroachment had already been removed. The contention raised by the petitioner is primarily is founded on facts. In exercise of jurisdiction under Article 226 of the Constitution of India, we do not want to go into the same.

4.This writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

[G.R.S., J.] [B.P., J.]
13.02.2025

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

To

- 1.The Principal Secretary,
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W.P(MD)No.27656 of 2024

G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

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W.P(MD)No.27656 of 2024

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