



WP(MD) No.11445 of 2024

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)**

Wednesday, the Twenty Ninth day of May Two Thousand and Twenty Four

PRESENT

**The Hon`ble Mr.Justice R.VIJAYAKUMAR
and
The Hon`ble Mr.Justice G. ARUL MURUGAN**

**WP(MD) No.11445 of 2024
and
WMP(MD)No. 10187 of 2024**

1 RAJAGOPAL

2 SUBRAMANIAN

3 IRUDAYASAMY

4 VELU @ RAJVELU

5 KANNAN

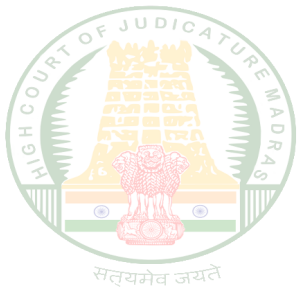
6 MAHALAKSHMI

7 VIJAYAKUMAR

... PETITIONERS

Vs

**1 THE DISTRICT COLLECTOR
TRICHY DISTRICT,
TRICHY**



WP(MD) No.11445 of 2024

2 THE TAHSILDAR
THIRUVERUMBUR TALUK,
THIRUVERUMBUR
TRICHY DISTRICT

3 THE REVENUE INSPECTOR
NAVALPATTU CIRCLE,
THIRUVERUMBUR TALUK,
TRICHY DISTRICT

... RESPONDENTS

Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus calling for the records in pertaining to the impugned order of the 2nd respondent vide his proceedings in Na.Ka.A1/424/2024 dated 10.05.2024 and quash the same as illegal and consequently directing the respondents not to interfere with the peaceful possession and enjoyment of petitioners properties without following any due process of law.

Prayer in WMP(MD). 10187/ 2024 :

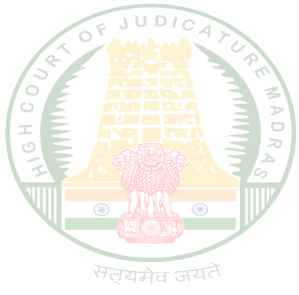
To grant an order of interim stay to operation of the impugned order of the 2nd respondent vide his proceedings in Na.Ka.A1/424/2024 dated 10.05.2024 pending disposal of the writ petition.

ORDER : This writ petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.T. VADIVELAN, Advocate for the petitioner and of MR.K.CHRISTY THEBORAL, Additional Government Pleader on behalf of the Respondents, the court made the following order:-

ORDER

[Order of the Court was made by R.VIJAYAKUMAR, J.]

The present writ petition has been filed challenging the order dated 10.05.2024, passed by the Tahsildar / second respondent under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.



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2. According to the learned counsel for the petitioners, the petitioners have been granted Patta under Section 8(2)(ii) of the Act 30/63. However, without considering the said fact, the order impugned in this writ petition has been passed as if the subject land is a Government property.

3. Considering the fact that the petitioners have made out a prima facie case, there shall be an order of interim stay.

4. Notice of motion returnable in four weeks.

5. Mrs.K.Christy Theboral, learned Government Advocate, also takes notice for the respondents.

6. Post after four weeks.

sd/-
29/05/2024

/ TRUE COPY /

/06/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

KRK
TO

1 THE DISTRICT COLLECTOR
TRICHY DISTRICT,
TRICHY

<https://www.mhc.tn.gov.in/judis>



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2 THE TAHSILDAR
THIRUVERUMBUR TALUK,
THIRUVERUMBUR
TRICHY DISTRICT

3 THE REVENUE INSPECTOR
NAVALPATTU CIRCLE,
THIRUVERUMBUR TALUK,
TRICHY DISTRICT

ORDER
IN
WP(MD) No.11445 of 2024
and
WMP(MD)No. 10187 of 2024
Date :29/05/2024

PKP/GS/SAR /04.06.2024/ 4P/4C

Madurai Bench of Madras High Court is issuing certified
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