



W.P(MD)No.3145 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P(MD)No.3145 of 2023
and
WMP(MD)No.2920 of 2023**

1. T.Rethinam
2. V.Suburamani
3. C.Rathinam
4. G.Velmurugan
5. V.Rathinam

... Petitioners

vs.

1. The District Collector,
Sivagangai,
Sivagangai District.

2. The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

3. The Thirupuvanam Town Panchayat,
Rep by its Executive Officer,
Thirupuvanam Town,
Thirupuvanam Taluk,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to forbear the respondents from evicting the petitioner from residential house



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in Survey Nos.42 and 43, Thirupuvanam Town, Thirupuvanam Taluk, Sivagangai District, without following due process of law and without issuing alternate accommodation.

For Petitioner	: Mr.S.Rajasekaran for M/s.Lahapathi Roy and Associates
For R1 & R2	: Mr.Veera Kathiravan Additional Advocate General for Mr.K.Balasubramani Special Government Pleader
For R3	: Mr.M.Sarangan Additional Government Pleader

ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The prayer in the writ petition is for issuance of a Writ of Mandamus, to forbear the respondents from evicting the petitioners from the residential house in Survey Nos.42 and 43, Thirupuvanam Town, Thirupuvanam Taluk, Sivagangai District, without following due process of law and without issuing alternate accommodation.

2. Learned counsel for the petitioners submitted that the third petitioner is the patta holder of the property comprised in Survey No.43 and Survey No.42 is classified as road. According to the learned counsel, a small portion of the land in Survey No.42 is



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occupied by the petitioners for the purpose of bathroom and stairs for entering into their respective houses. Therefore, the respondents shall not disturb the possession of the petitioners in the aforesaid survey numbers.

3. Learned Additional Advocate General appearing for the respondents 1 and 2 has not refuted the aforesaid submission of the learned counsel for the petitioners that the property comprised in Survey No.43 belongs to the third petitioner. He has produced the proceedings of the 2nd respondent in Na.Ka.No.1435/2022 dated 15.02.2023 addressed to the 3rd respondent and submitted that Survey No.42 is classified as sarkar poramboke road in the revenue records, in which, 34 persons including the petitioners have made encroachments to an extent of 0.04.84 ares in the form of Asbestos shed, stairs, fence and bathroom, obstructing the road in the said survey number. Therefore, the aforesaid encroachments have to be removed.

4. Recording the aforesaid submission of the learned Additional Advocate General, we direct the respondents to remove



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the encroachments in Survey No.42 after affording sufficient opportunity to the petitioners and all other parties concerned and by following due process of law.

4. With the above direction, this Writ Petition is disposed of.

No costs. Connected miscellaneous petition is closed.

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

[D.K.K.,J.] & [L.V.G.,J.]
22.02.2023

To

1. The District Collector,
Sivagangai,
Sivagangai District.

2. The Tahsildar,
Thirupuvanam Taluk,
Sivagangai District.

3. The Executive Officer,
Thirupuvanam Town Panchayat,
Thirupuvanam Town,
Thirupuvanam Taluk,
Sivagangai District.



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D.KRISHNAKUMAR, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
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DATED : 22.02.2023