



W.P.(MD) No.4323 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.4323 of 2023

E.Taniya Raja

... Petitioner

-Vs-

- 1.The District Collector,
Tirunelveli, Tirunelveli District.
- 2.The Revenue Divisional Officer,
Tirunelveli, Tirunelveli District.
- 3.The Tahsildar,
Nanguneri Taluk, Tirunelveli District.
- 4.The Executive Officer,
Kalakad Municipality, Kalakad,
Tirunelveli District.

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5.The Panchayat President,
Puthukiramam Panchayat,
Nanguneri Taluk, Tirunelveli District.

6.S.Murugan

7.S.Lakshmiammal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 and 7 in Survey No.126/5, situated in Kalakad Municipality, Vadamalai Samuthiram Village, Nanguneri Taluk, Tirunelveli District.

For Petitioner : Mr.R.J.Karthick

For R1 to R3 : Mr.P.T.Thiraviyam,
Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed for a direction to the respondents 1 to 5 to remove the encroachment made by the respondents 6 and 7 in Survey No.126/5, situated in Kalakad Municipality, Vadamalai Samuthiram Village, Nanguneri Taluk, Tirunelveli District.

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2.Mr.P.T.Thiraviyam, learned Government Advocate takes notice on behalf of the respondents 1 to 3. Considering the nature of order proposed to be passed in this Writ Petition, notice to the respondents 4 to 7 is dispensed with.

3.By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4.Pointing out the aforesaid encroachment made by the respondents 6 and 7, the petitioner has made representations dated 23.05.2021 and 26.12.2022 to the official respondents. Since the same have not been considered till date, the petitioner has approached this Court with the aforesaid prayer.

5.The learned Government Advocate for the respondents 1 to 3, on instructions, submitted that the land in question is classified as Natham and the representations of the petitioner dated 23.05.2021 and 26.12.2022 would be considered and appropriate orders would be passed on merits and in accordance with law.

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6.Considering the limited scope of the prayer sought for in the Writ Petition, without going into the merits of the case, we are inclined to direct the 3rd respondent to consider the representations of the petitioner dated 23.05.2021 and 26.12.2022, if necessary, measure the property with the assistance of the Taluk Surveyor concerned and pass appropriate orders on its own merits and in accordance with law. If there is any encroachment, the same shall be removed after giving notice and opportunity of hearing to all the parties concerned by following due process of law. Such an exercise shall be completed as early as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs.

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

01.03.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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