



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

and

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.10290 of 2013

Pakkiathai

.. Petitioner

Vs.

1. The Thasildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.
2. The Revenue Divisional Officer,
Cheranmadevi,
Tirunelveli District.
3. The District Collector,
Tirunelveli District,
Tirunelveli.
4. The Administrator/huqdar,
Arulmigu Kalladi Madan Temple,
Levingipuram Village,
Radhapuram Taluk,
Tirunelveli District.

(R4 impleaded vide Court order dated 05.07.2017
in M.P. (MD) No.1 of 2013)

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to remove the said encroachments and unauthorized constructions by Arulmigu Kalladi Madan Temple in the east west public road situated south of the petitioner's house bearing door No.9/84 in Natham survey No.823 of Levingipuram Village, Radhapuram Taluk, Tirunelveli District.

For petitioner

: Mr.V.Kannan

For R1 to R3

: Mr.T.S.Mohamed Mohideen

Additional Government Pleader

O R D E R

[Order of the Court was made by **K.K.SASIDHARAN, J.**]

The petitioner has filed this writ petition, directing the first respondent to remove the encroachment made by the fourth respondent.



2.We have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3.

3.We direct the Tahsildar, Radhapuram Taluk, to consider and dispose of the representation of the petitioner dated 19.03.2013, on merits and as per law. It is needless to point out that notice should be issued to the fourth respondent before taking any decision in the matter. In short, principles of natural justice shall be followed by the first respondent in the matter of removal of encroachment. We also make it clear that we have not expressed any opinion about the merits of the matter. In any case, the issue shall be considered and disposed of by the Tahsildar, within a period of four months from the date of receipt of a copy of this order.

4.The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

1. The Thasildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.
2. The Revenue Divisional Officer,
Cheranmadevi,
Tirunelveli District.
3. The District Collector,
Tirunelveli District,
Tirunelveli.

+1cc to Mr.V.Kannan, Advocate Sr.No.63765
+1cc to The Spl.Government Pleader Sr.No.63667

RJ2/PSD

VB/SV/20.07.2017/2P/6C

ORDER MADE IN
W.P(MD)No.10290 of 2013
05.07.2017