



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.02.2018

CORAM:

**THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P.(MD) No.2628 OF 2018

Veera S.C.Soundarapandian
Secretary
Keezhairal Nadargal Uravinmurai Magamai
Dharma Fund
No.532, T.H. Road, Tondiarpet,
Chennai - 81.

: Petitioner

Vs.

1. The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.
2. The Tahsildar,
Tiruchendur,
Thoothukudi District.
3. The Executive Officer,
Tiruchendur Special Grade Town Panchayat,
Tiruchendur.
4. A.Soundara Selvi

: Respondents

Prayer: This Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus directing the respondents 1 to 3 to remove the unauthorized construction put up by the fourth respondent to an extent of 1-½ cents in the petitioner's land in S.No.1513/12 situated at Ward No.3, Santhanamariamman Kovil Street, Tiruchendur Special Grade Town Panchayat, Thoothukudi District.

For Petitioner
For Respondents

: Ms.N.Mala
: Mr.S.Dhayalan G.A
for R1 and R2
Mr.A.Thiagarajan for R3
No appearance for R4

**ORDER**

Though the writ petition is filed for taking action against the fourth respondent for unauthorized construction, the petitioner intends to get an adjudication regarding the title of the property and also possession of the property allegedly belongs to the petitioner or allegedly encroached upon by the fourth respondent. The official respondents cannot adjudicate upon the title of the property or possession of the property.

2.However, if there is any unauthorized construction or illegal construction put up by the fourth respondent in the property comprised in S.No.1513/12, the third respondent is directed to issue notice to both the petitioner as well as the fourth respondent and decide about the nature of construction whether it is authorized or unauthorized. It is made clear that the official respondents shall not embark upon deciding the title or possession of the property either in S.No.1513/12 and 1513/9. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

3.With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

1. The Revenue Divisional Officer,
Tiruchendur,
Thoothukudi District.

2. The Tahsildar,
Tiruchendur,
Thoothukudi District.

+1cc to Spl.Government Pleader Sr.No.47866
+1cc to Mr.A.Thiagarajan, Advocate Sr.No.47534
+1cc to Ms.N.Mala, Advocate Sr.No.47549

SKN
VB/SKN/RSK/SAR4/07/03/2018/2P/6C

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