



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2019

CORAM:

THE HON'BLE Mr. JUSTICE K.KALYANASUNDARAM

AND

THE HON'BLE Mrs. JUSTICE R.THARANI

W.P. (MD) No.25136 of 2018

C.Chandira

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

3.Pauldurai

4.Murugan

5.Palpandi

6.Selvavadivu Narayanan

... Respondents

PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment put up in Odai poromboke and its adjacent pathway in Survey Nos.672/2, 673/2, 673/4, 675/2 and 677/2A from Vairavikinaru Vilakku to Kurinjikulam, Koodankulam, Radhapuram Taluk, Tirunelveli District by considering the petitioner's representation dated 06.12.2018 within a stipulated period as fixed by this Court.

For Petitioner

: Mr.A.Kesavan

For Respondents

: Mr.V.R.Shanmuganathan, Spl.G.P.for
R1 & 2

Mr.T.Lajapathi Roy for R5

No appearance for R3, R4 and R6

ORDER

(Order of the Court was made by K.KALYANASUNDARAM,J.)

This Writ petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to remove the encroachment put up in Odai Poromboke and its adjacent pathway in Survey Nos.672/2, 673/2, 673/4, 675/2 and 677/2A at Vairavikinaru Vilakku to Kurinjikulam, Koodankulam, Radhapuram Taluk,



Tirunelveli District by considering the petitioner's representation dated 06.12.2018.

2.The grievance of the petitioner is that the Odai Poromboke and adjacent pathway in the above said survey numbers have been encroached by the private respondents herein and in this regard, her representation dated 06.12.2018 was not considered by the official respondents.

3.Mr.A.Kesavan, learned counsel for the petitioner would state that the petitioner would be satisfied, if a direction is issued to the 2nd respondent to consider her representation.

4.Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the 2nd respondent is ready to consider the representation of the petitioner in accordance with law.

5.According to the learned counsel for the 5th respondent, there is no encroachment neither in the Odai Poromboke nor in the cart-track as alleged by the petitioner.

6.However, considering the limited prayer sought for in this Writ petition and the submission of the learned counsels on either side, this Court, without expressing any opinion on the merits of the matter, directs the 2nd respondent to consider the representation of the petitioner dated 06.12.2018 and pass appropriate orders on merits and in accordance with law, after providing opportunity to all necessary parties, within a period of four months from the date of receipt of a copy of this order.

7.With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Rashtreeya Mahavidyalaya,
Tirunelveli District.



+1 CC to M/s.A.KESAVAN, Advocate (SR-58794[F] dated 04/04/2019)

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-59201[F] dated 05/04/2019)

+1 CC to M/s.SPL GP (SR-59253[F] dated 05/04/2019)

nbg

W.P. (MD) No.25136 of 2018
03.04.2019

KM/ (23.04.2019) 3P 6C