



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.10.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P (MD) No.22149 of 2019

and

W.M.P. (MD) No.18953 of 2019

Esakki

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Block Development Officer,
Kadayam Panchayat Union,
Kadayam,
Tirunelveli District.

3. The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.

4. Arul Shanthi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to forbear the respondents 1 to 3 from demolishing the door steps put up by the petitioner in his house bearing door No.3/81, 3/82 of Chekkadi Street, South Kadayam, Ambai Taluk, Tirunelveli District.

For Petitioner : Mr.R.Pon Karthikeyan
For R1 to R3 : Mr.M.Murugan
Government Advocate

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.R.Pon Karthikeyan, learned counsel for the petitioner and Mr.M.Murugan, learned Government Advocate for the official respondents. By consent on either side, this writ petition is taken up for final disposal.

2. This petition has been filed to forbear the respondents 1 to 7 from demolishing the door steps put up by the petitioner in his house. According to the petitioner, there is no encroachment. But the entire action has been initiated at the behest of the fourth



respondent, who is the petitioner's neighbour, who is also, according to the petitioner, an encroacher.

3. The learned Additional Government Pleader, on instructions, from the respondents 2 and 3 would submit that adequate opportunity will be given to all the persons, who have constructed houses in the entire road and wherever it is found that there are encroachments, the house owners will be given an opportunity to remove the encroachment by themselves. Only if they failed to do so, the authorities will take action.

4. In view of the above, we direct the respondents 2 and 3 to clearly demarcate the encroachment and give notice to the encroachers including the petitioner and the fourth respondent and if it is found that there is encroachment, ten days time shall be given to the encroachers to remove the encroachment, failing which the department shall take action.

5. With the above observation, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Block Development Officer,
Kadayam Panchayat Union,
Kadayam,
Tirunelveli District.
3. The Tahsildar,
Ambasamuthiram Taluk,
Tirunelveli District.

+1 CC to Mr.R.PON KARTHIKEYAN, Advocate (SR-93163[F] dated 21/10/2019)

+1 CC to SPL GP (SR-93520[F] dated 22/10/2019)

W.P(MD)No.22149 of 2019

21.10.2019

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