



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

W.P. (MD)No.8532 of 2020

and W.M.P. (MD) No.7909 of 2020

S.Dhamodharan

... Petitioner

Vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Tahsildar,
Taluk Office,
Vilathikulam Taluk,
Thoothukudi District.

3.The Commissioner of Panchayat Union,
Panchayat Union Office,
Pudur Union,
Thoothukudi District.

4.The Village Administrative Officer,
Maniyakaranpatti Post,
Vilathikulam Taluk,
Thoothukudi District.

5.Alagammal

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent herein in the Government Poramboke land comprised in survey number 259/22 old survey number 143/1 part within the time frame stipulated by this Hon'ble Court and for other reliefs.

For Petitioner : Mr.R.Murugan

For Respondents 1 to 4 : Mr.R.Murugan
Additional Government Pleader

O R D E R

[Order of the Court was made by **M.SATHYANARAYANAN, J.**]

In view of the order going to be passed in this Writ Petition, notice to the fifth respondent is dispensed with.



2. The petitioner claims to be a resident of Melakumarachekkanapuram, Vilathikulam Taluk, Thoothukudi District and he would aver among other things that he has put up a superstructure upon the landed property in S.No.259/49, Melakumarachekkanapuram, Vilathikulam Taluk, and residing there for a long time and on the Southern side of the property, there exists a Government property in the form of a street in S.No.259/22, ad-measuring an extent of 0.42.72 hectares and it is enjoyed by the public.

3.The grievance of the petitioner is that the fifth respondent having no right or whatsoever, not only encroached upon the street but also started putting up a superstructure. In this regard, he submitted repeated representations dated 07.11.2016, 24.11.2017 and 18.03.2020 and despite receipt of acknowledgments, no response is forthcoming. Therefore, he is constrained to approach this Court with this Writ Petition.

4.Mr.R.Murugan, learned Additional Government Pleader accepts notice on behalf of the respondents 1 to 4.

5.Though the petitioner prays for a larger relief, this Court without going into merits of the case projected by the petitioner, either in his affidavit file in support of the Writ Petition or in his representations, directs the third and fourth respondents to conduct a joint inspection of the land in S.No.259/22, Melakumarachekkanapuram, Vilathikulam Taluk, Thoothukudi District, after putting the petitioner, the fifth respondents and other persons concerned on notice and depending upon the outcome result of the inspection take appropriate action in accordance with law by adhering to the principles of natural justice and complete the process within 10 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner, fifth respondent and any other persons concerned.

6.Accordingly, the Writ Petition stands disposed of. Consequently, connected Miscellaneous Petition is closed. However, in the circumstances of the case, there shall be no orders as to the costs.

Sd/-

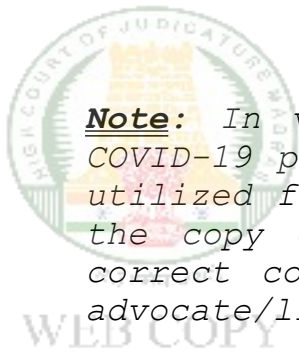
Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar (CS)

sj



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned

To

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+1 CC to M/s.GP (SR-13568[F] dated 04/08/2020)

W.P. (MD)No.8532 of 2020
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SPU(14.08.2020) 3P 6C