



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 03.09.2020**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN**

**AND**

**THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM**

**W.P. (MD)No.10784 of 2020**

WEB COPY

M.Velsamy

... Petitioner

Vs.

1.The District Collector,  
Collectorate,  
Thoothukudi.

2.The Revenue Divisional Officer,  
O/o. Revenue Divisional Officer,  
Kovilpatti Division,  
Thoothukudi District.

3. The Tahsildar,  
Kayathar Taluk Office,  
Thoothukudi District.

4. Arumugam

5. Ganapathy

6. Babu

7. Ganapathy

8. Muthulakshmi

... 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 3 to remove the illegal encroachment made by the respondents 4 to 8 situated in S.F.No.457/40, 461/2, 4 53/17, 452, 456/6 in Kalappaipatti village, Kayathar Taluk, Thoothukudi District and take necessary steps to restore the Government Poramboke lands to enable utilization for the villagers as Bus stand, Veterinary Hospital, Drinking Water Tank, Amma Rural Yourth Sports Centre, Kabadi, Football Court, by considering the petitioner's representation dated 06.08.2020.

For Petitioner

: Mr. I.Pinaygash

For Respondents

: Mr. K.P.Krishnadoss,  
Special Government Pleader  
[for R1 to R3]



**O R D E R**

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

This Writ petition, is styled as a Public Interest Litigation, filed by the resident of Kalappaipatti village, Kayathar Taluk, Thoothukudi District and according to him, he is an agricultural cooly and it is a specific case that there are Government Poramboke lands comprising in Survey Nos. 457/40, 461/2, 4 53/17, 452 and 456/6 in the said village and the respondents 4 to 8 are in an illegal occupation of the said land and on account of the same, the building for public housing purposes could not be constructed for want of availability of lands. The Writ petitioner in this regard, also submitted a representation dated 06.08.2020 and despite receipt and acknowledgement, no action has been taken and therefore, the Writ petitioner is constrained to approach this Court by way of filing this Writ petition.

2. The learned Counsel appearing for the Writ petitioner has drawn the attention of this Court to the proceedings of the committee dated 22.07.2020, conducted by the second respondent and would submit that, though a decision has been taken to remove the encroachment after by following due process of law, nothing is happened and hence, prays for appropriate orders.

3. Mr.K.P.Krishnadoss, learned Special Government Pleader, accepts notice on behalf of the respondents 1 to 3 and would submit that the Local Body namely, Kalappaipatti Panchayat, has issued notices dated 13.08.2020 and 02.09.2020, to Ramachandran, S/o. Ganapathi; Arumugam, S/o.Kandhan; Chellathurai, S/o. Shanmugam; Ganapathy, S/o. Subramanian; and Babu, S/o. Ponnusamy, who were caused encroachment in the Survey Nos. 457/40, 461/2, 4 53/17, 452 and 456/6 of Kalappaipatti village and further action for removal of encroachment would be taken expeditiously in accordance with law.

4. This Court has considered the rival submissions and also perused the materials placed before it. The copies of the said notices submitted by the learned Counsel appearing for the Writ petitioner had taken on file and record.

5. The Local Body is directed to expedite the process of removal of encroachments, by following due process of law and by adhering the principles of natural justice and complete the said exercise as expeditiously as possible and not later than eight weeks from the date of receipt of a copy of this order. Communicate the decision taken to the Writ petitioner as well as to the encroachers.



6. This **Writ petition stands disposed of** accordingly. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2020

Sub Assistant Registrar (CS)

pkn

**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

- 1.The District Collector,  
Collectorate,  
Thoothukudi.
- 2.The Revenue Divisional Officer,  
O/o. Revenue Divisional Officer,  
Kovilpatti Division,  
Thoothukudi District.
3. The Tahsildar,  
Kayathar Taluk Office,  
Thoothukudi District.

+1 CC to SGP ( SR-15978[F] dated 04/09/2020 )

**W.P. (MD)No.10784 of 2020**

**03.09.2020**

KM (16.09.2020) 3P 5C