



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The Hon'ble Mrs.JUSTICE R.HEMALATHA

W.P.(MD) No.1321 of 2021

and

W.M.P(MD)No.1097 of 2021

L.Belgina Mary Stella

.. Petitioner

Vs

1. The District Collector,
Tenkasi District.

2. The Sub Registrar,
Idaikal Sub Registrar Office,
Kadayanallur Taluk,
Tenkasi District.

3. The Tahsildar,
Kadayanallur Taluk Office,
Kadayanallur Taluk,
Tenkasi District.

4. A.Igneacious Karvin.

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made in Survey No.259/1, Ayikudi Village, Kadayanallur Taluk, Tenkasi District by the 4th respondent within the time stipulated by this Court.

For Petitioner

: Mr.S.Kumar

For Respondents

: Mr.K.Mu.Muthu,
Additional Government Pleader
for R1 to R3
Mr.D.Venkatesh
for R4



ORDER

[Order of the Court was made by **R.Hemalatha., J**]

The petitioner has filed this petition seeking a direction to respondent Nos. 1 to 3 to remove the encroachments made in Survey No.259/1, Ayikudi Village, Kadayanallur Taluk, Tenkasi District by the 4th respondent.

2. Heard Mr.S.Kumar, learned counsel for the petitioner, Mr.K.Mu.Muthu, learned Additional Government Pleader, who takes notice for respondent Nos.1 to 3 and Mr.D.Venkatesh, learned counsel who takes notice for the 4th respondent.

3. The matter in issue pertains to an illegal encroachment made in the Government land and a water channel by the fourth respondent. The grievance of the petitioner is that the respondents 1 to 3 did not take any action in this regard.

4. In the circumstances, the petitioner is directed to submit a representation to the 3rd respondent Tahsildar within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, 3rd respondent shall pass appropriate orders on merits after affording opportunity to all the persons concerned including the fourth respondent who may be affected by his decision.

5. With the above direction, W.P.(MD).No.1321 of 2021 is disposed of. Consequently, connected W.M.P(MD)No.1097 of 2021 is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sj/dsk

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1. The District Collector,
Tenkasi District.
2. The Sub Registrar,
Idaikal Sub Registrar Office,
Kadayanallur Taluk,
Tenkasi District.
3. The Tahsildar,
Kadayanallur Taluk Office,
Kadayanallur Taluk,
Tenkasi District.

+1 CC to MR.D.VENKATESH, Advocate (SR-7084[F] dated 25/02/2021)

+1 CC to SPL GP (SR-7241[F] dated 25/02/2021)

W.P.(MD) No.1321 of 2021
24.02.2021

KM (08.03.2021) 3P 6C