



WEB COPY

W.P.(MD) No.3444 of 2021

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.3444 of 2021

and

W.M.P. (MD) No.2793 of 2021

Vellaiyammal

... Petitioner

-vs-

1.The Madurai District Collector
Madurai District Collector Office
Madurai

2.The Revenue District Officer
Madurai District Collector Office
Madurai

3.The Tahsildar
Madurai East Tahsildar Office
Othakadai
Madurai

4.A.Andal

5.A.Elammal

6.M.Vasantha

7.K.Pandiselvi

8.P.Sinthammal

9.P.Alagammal

10.Abinaya

11.N.Valamathi

12.V.Manimegalai

13.Oyyammal

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to remove the encroachments made by respondents 4 to 13 in Survey No.93 of Kallanthiri I bit village, Madurai East Taluk, Madurai and consequently restrain the respondents 1 to 3 from issuing patta in



road poramboke in Survey No.93 of Kallanthiri I bit village in favour of the respondents 4 to 13.

For Petitioner : Mr.Alaguram Jothi.J.

For Respondents : Mr.K.P.Krishnadoss

Special Government Pleader for R1 to R3

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O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

This writ petition pertains to the alleged encroachment.

2. The petitioner is permitted to make a comprehensive representation before the Tahsildar, Madurai East, Othakadai, Madurai, within four weeks from date whereupon the Tahsildar will consider the matter in accordance with law after affording an opportunity of hearing to the parties who may be affected by the resultant order.

3. The Tahsildar's speaking order should be communicated to the petitioner within six weeks from the date of receipt of the representation.

4. The official respondents including the Tahsildar are reminded that no encroachment should be allowed on any Government land or any waterbody body and even the slightest attempt at encroachment should be dealt with heavily and the encroachers thrown out upon following the due procedure in accordance with law.

5. In the event the petitioner is not satisfied with the action taken by the respondent authorities following the Tahsildar's order, the petitioner may pursue the remedies in accordance with law but not by way of a public interest litigation and only after establishing his *locus standi*.

6. In the event of encroachment, the District Collector will be responsible to ensure speedy action and quick removal of the encroachers.

7. W.P.(MD) No.3444 of 2021 is disposed of without any order as to costs. W.M.P.(MD) No.2793 of 2021 is closed.

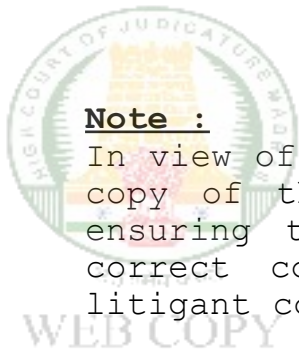
Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

krk / ssl

To:

- 1.The Madurai District Collector,
Madurai District Collector Office,
Madurai.
- 2.The Revenue District Officer,
Madurai District Collector Office,
Madurai.
- 3.The Tahsildar,
Madurai East Tahsildar Office,
Othakadai,
Madurai.

+1 CC to M/s.SPL GP (SR-7288[F] dated 25/02/2021)

W.P. (MD) No.3444 of 2021
and
W.M.P. (MD) No.2793 of 2021
24.02.2021

sss (CO)
KB(03.03.2021) 3P 5C