



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

**DATED : 16.04.2021**

**CORAM:**

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
and  
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

**W.P. (MD) No.4894 of 2021**

Antony James

... Petitioner

-VS-

- 1.The District Collector  
Thoothukudi District  
Thoothukudi
- 2.The Revenue Divisional Officer  
Thirusanthur Revenue Division  
Thirusanthur, Thoothukudi District
- 3.The Tahsildar  
Sathankulam Taluk Office  
Sathankulam  
Thoothukudi District
- 4.The Assistant Executive Engineer  
Highway Department  
Sathankulam, Thoothukudi District
- 5.Vignesh Gandhi

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachment made by the 5<sup>th</sup> respondent in public pathway for burial ground in 482/5B for an extent of 0.10.00 Acres, situated at Naduvakurichi Village, Sathankulam Taluk, Thoothukudi District, within time frame fixed by this Court.

For Petitioner : Mr.Vadivelan.T.

For Respondents : Mr.K.Mu.Muthu  
Additional Government Pleader for R1 to R4  
Mr.R.Aravindharaj for R5



**O R D E R**

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

The petitioner seeks for a direction upon the respondents 1 to 4 to remove the encroachment alleged to have been made by the fifth respondent in a public pathway for burial ground.

2. The learned Additional Government Pleader appearing for the respondents 1 to 4 produced the written instructions issued by the third respondent, dated 08.04.2021.

3. The learned counsel appearing for the fifth respondent submits that there is no burial ground.

4. However, the petitioner should be aware on what basis the respondents stated that there is no encroachment. Therefore, a written order be passed and communicated to the petitioner by the third respondent within a period of ten days from today.

5. With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CRL SIDE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

krk

**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,  
Thoothukudi District,  
Thoothukudi.



2.The Revenue Divisional Officer,  
Thirusanthur Revenue Division,  
Thirusanthur, Thoothukudi District.

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

4.The Assistant Executive Engineer,  
Highway Department,  
Sathankulam, Thoothukudi District.

+1 CC to M/s.SPL GP ( SR-16245[F] dated 17/04/2021 )

+1 CC to M/s.R.ARAVIND RAJ, Advocate ( SR-16215[F] dated  
17/04/2021 )

**W.P. (MD) No.4894 of 2021**  
**16.04.2021**

TP(CO)  
TR(23.04.2021) 3P 7C