



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P (MD)No.7726 of 2021

P.Manickavasagam

...Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Tirunelveli District, Tirunelveli.

2.The Commissioner of Tirunelveli Corporation,
Corporation Office, S.N.High Road,
Tirunelveli - 627 001.

3.The Assistant Commissioner,
Palayamkottai Zonal Office,
Tirunelveli Corporation,
Thiruvananthapuram Road,
Palayamkottai, Tirunelveli - 627 002.

4.Ganapathy

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to take appropriate action to restore the Government land encroached by the fourth respondent in Mookambigai Nagar, Palayamkottai III, Palayamkottai Taluk, Tirunelveli District on the petitioner's petition dated 10.12.2020 fixing time limit.

For Petitioner	:Mr.P.Thambidurai
For R - 1	:Mr.K.Mu.Muthu
	Additional Government Pleader
For RR 2 & 3	:Mr.Aayiram K.Selvakumar

ORDER

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

We have heard Mr.P.Thambidurai, learned counsel appearing for the petitioner, Mr.K.Mu.Muthu, learned Additional Government Pleader, who accepts notice on behalf of the first respondent and



Mr.Aayiram K.Selvakumar, learned counsel, who accepts notice on behalf of the respondents 2 and 3.

2.In the light of the orders we propose to pass in this Writ Petition, notice to the fourth respondent is dispensed with.

3.The petitioner is aggrieved by a construction put up by the fourth respondent in the public property abetting his house.

4.From the photographs, it appears that the construction is a septic tank.

5.The learned counsel appearing for the petitioner has drawn our attention to an on-line status report published by the office of the Commissioner of Tirunelveli Corporation on the status of the petitioner's representation, wherein, it has been stated that the petition has been considered and notice, dated 31.12.2020 has been issued to the fourth respondent.

6.The grievance of the petitioner is that till date no action has been taken.

7.Mr.Aayiram K.Selvakumar, learned counsel appearing for the respondents 2 and 3, on instructions, submitted that apart from the encroachment which has been pointed out in the Writ Petition, there are other encroachers as well and the officers of the Corporation had visited the area today and expected that action would be taken to remove all the encroachments.

8.In the light of the status, as reported in the office of the website portal of the Corporation as well as the submissions made by the learned counsel appearing for the respondents 2 and 3, on instructions, we dispose of the Writ Petition directing the respondents 2 and 3/Corporation to have a thorough inspection of the entire area, namely Mookambigai Nagar, Palayamkottai III, Palayakmottai Taluk, Tirunelveli District and wherever there will be an encroachment in public streets and Government lands etc., notice should be given to the encroachers stating that they shall remove the same within a period of 7 days, failing which, the Corporation shall remove the encroachment at the cost of the encroachers. No costs.

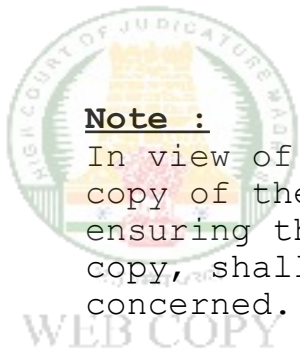
Sd/-

Assistant Registrar

// 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.

To:

- 1.The District Collector, Office of the District Collector, Tirunelveli District, Tirunelveli.
- 2.The Commissioner of Tirunelveli Corporation, Corporation Office, S.N.High Road, Tirunelveli - 627 001.
- 3.The Assistant Commissioner, Palayamkottai Zonal Office, Tirunelveli Corporation, Thiruvananthapuram Road, Palayamkottai, Tirunelveli - 627 002.

+1 CC to M/s.P.THAMBIDURAI, Advocate (SR-15660[F] dated 09/04/2021)

+1 CC to M/s.SPL GP (SR-15798[F] dated 15/04/2021)

**ORDER MADE IN
W.P (MD) No. 7726 of 2021
09.04.2021**

KV (13.05.2021) P 6C