



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2021

CORAM:

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

W.P(MD)No.9009 of 2021

K.Kanagaraj

... Petitioner

Vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti - 628 501,
Thoothukudi District.

3.V.Sundaram

... 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 1 and 2 to remove the encroachment made by the third respondent in Survey No.308 in Thitangulam Village, Kovilpatti, Thoothukudi District, by considering the petitioner's representation dated 29.03.2021 and pass orders on merits and in accordance with law within the period stipulated by this Court.

For Petitioner : Mr.K.Chinraj

For RR 1 & 2 : Mr.R.Baskaran

Standing Counsel for Government

ORDER

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

We have heard Mr.K.Chinraj, learned counsel appearing for the petitioner and Mr.R.Baskaran, learned Standing Counsel for Government, who accepts notice on behalf of the respondents 1 and 2.

2.The petitioner by way of this Writ Petition styled as a Public Interest Litigation seeks for a direction upon the respondents 1 and 2 to remove the encroachment made by the third



respondent.

3.Since we are disposing of the Writ Petition without notice to the third respondent, we are not inclined to issue any positive direction. However, we note the submission of the learned counsel for the petitioner that the third respondent in the suit filed by him in O.S.No.27 of 2021 on the file of the learned District Munsif Court, Kovilpatti, in the plaint in paragraph No.1, the third respondent has admitted that the land in question, namely, the land comprised in Survey No.308, Therkku Thitangulam Village, Kovilpatti Taluk, measuring to an extent of 0.52 cents is a Government poramboke land. The learned counsel has also drawn our attention to the adangal as well as the copy of 'A' register, which shows that the property is a 'Oorani'.

4.In the light of the above, we direct the second respondent to consider the petitioner's representation, dated 29.03.2021, issue notice to the third respondent, direct an inspection to be conducted by one of the Subordinate Officers in the presence of the petitioner and the third respondent and based on the facts gathered during the inspection, the second respondent is directed to pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

5.With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (W)

// 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,
Thoothukudi,
Thoothukudi District.



2.The Tahsildar,
Kovilpatti Taluk,
Kovilpatti - 628 501,
Thoothukudi District.

WEB COPY

+1 CC to M/s.K.CHINRAJ, Advocate (SR-18637[F] dated 02/06/2021)

+1 CC to M/s.GP (SR-18655[F] dated 02/06/2021)

**ORDER MADE IN
W.P (MD) No.9009 of 2021
DATED
01.06.2021**

AS(10.06.2021) 3P 5C