



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.06.2021

CORAM :

WEB COPY

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND
The HON'BLE MR.JUSTICE T.S.SIVAGNANAM**

W.P. (MD) No.18146 of 2020

and

W.M.P (MD) No.1213 of 2021

M.Narayana Nadar

.. Petitioner

Vs

1.The District Collector,
Tenkasi District.

2.The Tahsildar,
Alangulam Taluk,
Tenkasi District.

3.K.Manickam

4.G.Rajesh Kumar Khataria
(R-4 suo motu impleaded vide order dated
15.12.2020 in W.P(MD)No.18146 of 2020)

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to remove the encroachment made in Survey No.412, Kazhuneerkulam Village, Alangulam Taluk, Tenkasi District made by the third respondent within the time frame to be fixed by this Court.

For Petitioner : Mr.S.Kumar
For Respondents 1&2 : Mr.A.K.Manickam
Standing Counsel.
For Respondents 3 and 4: Mr.F.X.Ugene for
Mr.K.Vinayagam

ORDER

[Order of the Court was delivered by
The Hon'ble Chief Justice]

The grievance of the petitioner is that the land in Survey Nos.378/2, 3, 4, 5, 6, 7, 8 involving an area of 13 acre at



Kazhuneerkulam Village, Tenkasi District, has been encroached upon by the third and fourth respondents.

2. The third and fourth respondents are represented and completely deny the allegation. Indeed, the third and fourth respondents have filed a counter-affidavit.

3. It is not possible to decide an allegation of encroachment and the denial thereof without evidence being received. In particular, it is helpful if the site is inspected or a survey is conducted thereat.

4. Since the petitioner has made a grievance, the petitioner is permitted to carry a detailed written representation to the second respondent Tahsildar within three weeks from date, whereupon the said Tahsildar will consider the same in accordance with law. If the Tahsildar finds any merit in the representation, the Tahsildar will conduct an inquiry, after affording a reasonable opportunity of hearing to the third and fourth respondents herein. The Tahsildar's reasoned decision on the matter should be communicated to the petitioner herein and to the third and fourth respondents within a period of twelve weeks from date. If any encroachment is discovered, immediate appropriate measures should be taken to remove the same within four weeks of discovering the encroachment.

5. It is made clear that the merits of the petitioner's claim or the private respondents' defence have not been gone into.

6. W.P.(MD)No.18146 of 2020 is disposed of without any order as to costs. W.M.P.(MD)No.1213 of 2021 is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

rm/ogy

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,
Tenkasi District.

2.The Tahsildar,
Alangulam Taluk,
Tenkasi District.

+1 CC to M/s.K.VINAYAGAN, Advocate (SR-20248[F] dated 25/06/2021)

+1 CC to M/s.SPL GP (SR-20330[F] dated 25/06/2021)

W.P. (MD) No.18146 of 2020
24.06.2021

KB(02.07.2021) 3P 5C