



WEB COPY

W.P(MD)NO.18147 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.10.2021**

CORAM:

**THE HONOURABLE MR.JUSTICE M.DURAI SWAMY
AND
THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

**W.P (MD) NO.18147 of 2021
and
W.M.P (MD) No.14995 of 2021**

P.Subramanian

: Petitioner

vs.

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

3. The Commissioner,
Ambasamudram Municipality,
Tirunelveli District.

4. The Assistant Engineer,
Highways Department (Construction and Maintenance),
Ambasamudram,
Tirunelveli District.

5. Esakkimuthu Thevar @ Suresh

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to remove the encroachment made by the fifth respondent in Km 1/8 to 1/10 in Ambasamudram - Karumpuliyuthu road in Oorkkadu in Ambasamudram as per the contemplated provisions of law including Encroachment Eviction Act, within a time frame fixed by this Court.

For Petitioner
For Respondent
1 to 4

: Mr.F.X.Eugene
: Mr.P.Thilak kumar
Government Pleader



O R D E R

[Order of the Court was made by **M.DURAISWAMY., J.**]

The petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the respondents 1 to 4, to remove the encroachment made by the fifth respondent in Km 1/8 to 1/10 in Ambasamudram - Karumpuliyuthu road in Oorkkadu in Ambasamudram as per the contemplated provisions of the law including Encroachment Eviction Act.

2.When the Writ Petition is taken up for hearing today, Mr.P.Thilak Kumar, learned Government Pleader taking notice for the respondents 1 to 4, submitted that the fourth respondent had already written a letter, dated 08.02.2021, to the second respondent for conducting a survey of the land in question. However, the second respondent has not completed the survey yet. The learned Government Pleader, further submitted that the second respondent would conduct the survey within a short time and if any encroachment is found in the land in question, the same would be removed within a period of eight weeks.

3.Mr.F.X.Eugene, learned Counsel appearing for the petitioner submitted that the submission made by the learned Government Pleader may be recorded and the Writ Petition may be closed.

4.Having regard to the submission made by the learned Counsel appearing on either side, recording the submission made by the Government Pleader appearing for the respondents 1 to 4 to the effect that after conducting the survey of the land in question, if any encroachment is found in the land in question, the same would be removed within a period of eight weeks, in accordance with law, the Writ Petition stands closed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vsn/lr

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,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar,
Ambasamudram Taluk,
Tirunelveli District.

3. The Commissioner,
Ambasamudram Municipality,
Tirunelveli District.

4. The Assistant Engineer,
Highways Department (Construction and Maintenance),
Ambasamudram,
Tirunelveli District.

+1 CC to M/s.F.X.EUGENE, Advocate (SR-31144[F] dated 05/10/2021)

+1 CC to M/s.SPL.GP (SR-31356[F] dated 06/10/2021)

W.P (MD) NO.18147 of 2021
and
W.M.P (MD) No.14995 of 2021
05.10.2021

NSN (CO)
KB(20.10.2021) 3P 7C