



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2021

CORAM:

WEB COPY

**THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA  
AND  
THE HONOURABLE MR.JUSTICE P.VELMURUGAN**

**W.P(MD)NO.20897 OF 2021  
and  
W.M.P(MD)No.17511 of 2021**

C.Pitchaiyammal

:Petitioner

.vs.

1.The District Collector,  
Tenkasi District,  
Tenkasi.

2.The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Sankarankovil,  
Tenkasi District.

3.The Tahsildar,  
Office of the Tahsildar,  
Sankarankovil,  
Tenkasi District.

4.The Commissioner,  
Sankarankovil Municipality,  
Tenkasi District.

: Respondent

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the respondents from evicting the Petitioner from her pattaland in S.No.238/1A and 238/3A and sub-divided as S.Nos.238/1AP and 238/3AP (New Survey Nos.6/9 and 6/10) (Block No.1 Ward 'A') in an extent of 25 cents situated at Achampatti Village, Sankarankovil Taluk, Tenkasi District within the time stipulated by this Court.

For Petitioner

:Mr.T.Thirumurugan

For Respondents  
1 to 3

:Mr.B.Saravanan  
Addl.Govt.Pleader

<https://hcservices.ecourts.gov.in/hcservices> Filed by Respondent-4

:Mr.P.Mahendran



**O R D E R**

**\*\*\*\*\***

**(Order of the Court was made by PUSHPA SATHYNARAYANA, J)**

WEB COPY This Writ Petition is filed seeking issuance of a Writ of Mandamus forbearing the respondents from evicting the Petitioner from her pattaland in S.No.238/1A and 238/3A and sub-divided as S.Nos.238/1AP and 238/3AP( New Survey Nos.6/9 and 6/10)(Block No.1 Ward 'A') in an extent of 25 cents situated at Achampatti Village, Sankarankovil Taluk, Tenkasi District within the time stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The Petitioner has stated that the official respondents were attempting to evict her from the patta land, while laying the public pathway. Since the Petitioner has her house in the said survey number, she has rushed to this Court by way of the present Writ Petition for the relief stated supra.

4.Upon instructions, it is stated that the officials have visited the place only for the purpose of laying the public pathway and clearing the encroachment. Incidentally, it is also found that the Petitioner has also encroached upon the public pathway.

5.If so, the Petitioner can be evicted from the said encroachment only by following due process of law. In the event, it is found that the Petitioner has encroached upon a portion of the public pathway, it is open to the authorities concerned to conduct a survey of the said public pathway and the encroachment said to have been made by the Petitioner, give her appropriate notice and after affording her an opportunity of personal hearing to the Petitioner and other interested parties, if any and thereafter, to pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6.With the above directions, the Writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

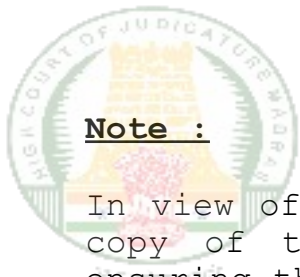
Sd/-

Assistant Registrar (T&P)

// 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,  
Tenkasi District,  
Tenkasi.
- 2.The Revenue Divisional Officer,  
Office of the Revenue Divisional Officer,  
Sankarankovil,  
Tenkasi District.
- 3.The Tahsildar,  
Office of the Tahsildar,  
Sankarankovil,  
Tenkasi District.
- 4.The Commissioner,  
Sankarankovil Municipality,  
Tenkasi District.

+1 CC to M/s.P.MAHENDRAN, Advocate ( SR-36239[F] dated 29/11/2021 )

+1 CC to M/s.T.THIRUMURUGAN, Advocate( SR-35992[F] dated 26/11/2021 )

+1 CC to M/s.SPL GP ( SR-36029[F] dated 26/11/2021 )

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**and**

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**25.11.2021**

MGJ(15.12.2021) 3P 8C