



W.P.No.24600 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

W.P.No.24600 of 2022

Pitchaimmal

.... Petitioner

Vs.

1. The District Collector,
District Collector Office,
Semmndalam, Cuddalore.
2. The Sub Collector,
Sub Collector Office, Cuddalore Road,
Viruthachalam.
3. The Tahsildar, Tahsildar Office,
Cuddalor Road, Viruthachalam.
4. The Municipal Commissioner,
Municipality Office, Ayyanar Koil Street,
Viruthachalam.
5. Village Administrative Officer,
Viruthachalam, Pennaadam Road,
Viruthachalam.

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus, forbearing the respondents from taking any coercive action to dispossess or demolish the structure



W.P.No.24600 of 2022

situated in Viruthachalam, Ulundhurpettai Road, now known as Aaladi Road R.Survey No.134/1 measuring an extent of 4 cents without following any due process of law.

For petitioner : Mr.V.Achuthanandan
for Mr. N.Raja
For Respondents : Mrs.R.Anitha, Spl.Govt.Pleader
for R1 to R3 and R5
Mr.M.Kirubaharan for R4

ORDER

(Order of this Court was made by D.KRISHNAKUMAR, J.)

This Writ petition has been filed seeking to issue a writ of Mandamus, forbearing the respondents from taking any coercive action to dispossess or demolish the structure situated in Viruthachalam, Ulundhurpettai Road, now known as Aaladi Road R.Survey No.134/1 measuring to an extent of 4 cents without following any due process of law.

2. The case of the petitioner is that, her husband had purchased the above mentioned land through a sale deed dated 24.05.1985 in



W.P.No.24600 of 2022

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document No.1082/1985 and after his demise, the petitioner, her daughters and sons have become absolute owners of the property and they are residing in the property by constructing a house. However, the petitioner came to know that the respondents decided to demolish her house, without issuing any show cause notice, hence she gave a representation to the respondents dated 04.09.2022. The apprehension of the petitioner is that, if the respondents are allowed to demolish her house, she will be put to irreparable loss and hardship. Hence this writ petition.

3. When the matter is taken up for hearing, the learned counsel for the respondents 1 to 3 and 5 fairly submitted that the authorities concerned will take further course of action to remove all the encroachments, only by following due process of law. She further submitted that the fourth respondent is a competent authority, who vested powers under Tamil Nadu Encroachments Acts to remove the encroachments and he will take necessary action, only as per law.



W.P.No.24600 of 2022

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4. Recording the submission made by the learned Special Government Pleader, the fourth respondent is directed to initiate necessary action to remove the encroachments, only by due process of law, without any further delay.

5. With the above direction, this writ petition is disposed of. No costs.

(D.K.K., J.) (T.V.T.S., J.)

04.11.2022

Index:Yes/No
mst

To

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W.P.No.24600 of 2022

WEB COPY

4. The Municipal Commissioner,
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W.P.No.24600 of 2022

**D. KRISHNAKUMAR, J.
and
T.V.THAMILSELVI, J.**

mst

W.P.No.24600 of 2022

04.11.2022