



W.P(MD) No.7473 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD) No.7473 of 2022
and W.M.P(MD) No.5668 of 2022**

K.Lakhsmikanthan

... Petitioner

-VS-

1. The District Collector,
Ramanathapuram Collectorate,
Ramanathapuram.

2. The Tahsildar,
Paramakudi Taluk,
Ramanathapuram District.

3. The Executive Engineer,
Public Works Department /
Water Resources Department,
Lower Vaigai Basin Division, Paramakudi,
Ramanathapuram District..

4. The Assistant Engineer,
Water Resources Department,
Division of Partheepanoor Dam,
Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
to issue a writ of Mandamus, forbearing the respondents herein from



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removing the alleged encroachment to the extent of 735 Sq.ft. by the petitioner in Town Survey No.26 (Ward H, Block 5, G.R.No.1/2125) of Paramakudi Town and Taluk, Ramanathapuram District, without due process of law.

For Petitioner : Mr.R.R.Thamothar Raj

For Respondents : Mr.N.GA.Nataraj,
Government Advocate
for R1 to R4

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

This Writ Petition has been filed for issuance of a Writ of Mandamus, to forbear the respondents from removing the alleged encroachment to an extent of 735 Sq.ft., made by the petitioner in Town Survey No.26 of Paramakudi Town and Taluk, Ramanathapuram District.

2. Today, when the matter was taken up for hearing, the learned Government Advocate appearing for the respondents 1 to 4, has produced a communication of the fourth respondent – the Assistant Engineer, Partheepanoor Dam Division, addressed to the petitioner and submitted that the petitioner has already been issued with a show-cause notice under Section 7 of the Tamil Nadu Land Encroachment Act, 1905, in



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Ka.No.15/2022/உ.பொ/பா.ம.அ.பரம, dated 09.03.2022, directing him to submit an explanation within fifteen days as to why the encroachment put up by him should not be removed. Thus, he submitted that after expiry of the said fifteen days period, the authorities concerned will remove the aforesaid encroachment, if not removed by the petitioner himself, by following due process of law. The said submission and the communication dated 09.03.2022 are not refuted by the learned counsel for the petitioner.

3. Recording the said submission of the learned Government Advocate, this Writ Petition is disposed of, with a direction to the authorities concerned, to remove the encroachment as per the communication of the fourth respondent dated 09.03.2022, if not removed by the petitioner within fifteen days, after affording an opportunity of hearing to all the parties concerned and by following due process of law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.]

[J.S.N.P., J.]

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Index : Yes / No

Internet : Yes / No

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and
J.SATHYA NARAYANA PRASAD, J.

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