



W.P.(MD) No.7729 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.7729 of 2020

and

W.M.P.(MD)Nos.7216, 8727 & 16388 of 2020

P.Arulappan

... Petitioner

Vs.

- 1.The District Collector,
Tirunelveli.
- 2.The District Revenue Officer,
O/o. District Revenue Office,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Officer of the Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.



W.P.(MD) No.7729 of 2020

WEB COURT

4.The Tahsildar,
Radhapuram Taluk,
Radhapuram – 627 111,
Tirunelveli District.

5.RMST. Siluvaikumar

6.RMST.Sundar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 4 to take immediate action to remove all the encroachments through the Revenue Authorities or through any Government Machineries made by the 5th and 6th Respondents by putting up iron gate and construction wall on the land earmarked for cart track bearing Survey No.2538 A/2 B in an extent of 3 ½ cents starting from National Highways to Bye Pass Road at Perungudi Town Panchayat, situated at Radhapuram Taluk, Tirunelveli District and further ensure that there should not be any encroachment in the said Public cart tract by any persons within the time stipulated by this Honourable Court.

For Petitioner : Ms.J.Malliga

For Respondents : Mr.S.P.Maharajan,
Special Govt. Pleader for R1 to R4



WEB COPY



W.P.(MD) No.7729 of 2020

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the Respondents 1 to 4 to take immediate action to remove all the encroachments through the Revenue Authorities or through any Government Machineries, made by the 5th and 6th Respondents by putting up iron gate and wall on the land earmarked for cart track bearing Survey No.2538 A/2 B, to an extent of 3 ½ cents starting from National Highways to Bye Pass Road at Perungudi Town Panchayat, situated at Radhapuram Taluk, Tirunelveli District and further ensure that the said cart track is free from encroachment by any persons, within a time frame.

2. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 4, relying upon the status report filed by the fourth respondent dated 28.09.2020, submitted that there are no encroachments as projected by the petitioner in the place in question. The relevant portion of the said status report reads as follows:



W.P.(MD) No.7729 of 2020

WEB COPY

“3. I submit that the disputed survey properties were surveyed by the 4th respondent along with Deputy Tahsildar and Firka Surveyor in presence of the writ petitioner on 18.07.2020. As per the contention of the writ petitioner S.No.2537/1A1 (Perungudi Part II) and 1378/1B2 (Panagudi Part I) are the correct survey number whereas the survey No.2538/A2B is wrong survey number as per the revenue records. The above said survey property in S.No. 2537/1A1 and measuring 0.31.0 Hectares belongs to the St. Marry Church, Panagudi and patta stands in their name in patta No.7959. The S.No.1378/1B2 (Panagudi Part I) and measuring 0.22.40 Ares belongs to one Thiru.Tohmas Rajal S/o.RMST.Siluvai Kumar, Panagudi Village and patta stands in his name in patta No.2209.

4. I submit that the place which identified by the petitioner is 191.6 meters far away from the S.Nos.2537/1A1 and 1378/1B2. In fact the subdivision of S.No.2538/8 and measuring 10 cents shown as cart track and there is no encroachment in the said cart track. Moreover the Iron Gate installed in the said patta property is not in the cart track area.”

3. The abovesaid submissions of the learned Special Government Pleader is stoutly refuted by the learned counsel for the petitioner and he seeks liberty to the petitioner to approach the authorities concerned to redress his grievance.



W.P.(MD) No.7729 of 2020

WEB COPY

4. Granting such liberty, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]

vsm

09.11.2022

To

- 1.The District Collector,
Tirunelveli.
- 2.The District Revenue Officer,
O/o. District Revenue Office,
Tirunelveli.
- 3.The Revenue Divisional Officer,
Officer of the Revenue Divisional Officer,
Cheranmahadevi,
Tirunelveli District.
- 4.The Tahsildar,
Radhapuram Taluk,
Radhapuram – 627 111,
Tirunelveli District.



WEB COPY



W.P.(MD) No.7729 of 2020

R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

vsm

W.P.(MD) No.7729 of 2020

09.11.2022