



W.P.(MD)No.10856 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.10.2022

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

W.P(MD)No.10856 of 2021

S.Rajagopal

... Petitioner

Vs.

1. The District Collector,
Tirunelveli District, Tirunelveli.
2. The Revenue Divisional Officer,
Tirunelveli Division, Tirunelveli.
3. The Tahsildar,
Palayamkottai Taluk, Tirunelveli.
4. The Block Development Officer,
Palayamkottai Union Office,
Palayamkottai, Tirunelveli.
5. The Special Officer,
Munneerpallam Panchayat, Palayamkottai
Taluk, Tirunelveli.
6. Jeyaraj,
The President,
Aroma Nagar Welfare Association,
Munneerpallam Panchayat,
Palayamkottai Taluk,
Tirunelveli.

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the 1 to 4 respondents to remove the encroachment wall made by the sixth respondent in the 2nd East Street, Aroma Nagar, Munneerpallam Village, Palayamkottai Taluk, Tirunelveli District based on his representation dated 15.05.2021.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.P.Thilak Kumar
Government Pleader
for R1 to R5
Mr.N.Dilip Kumar for R6

ORDER

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

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the sixth respondent in the 2nd East Street, Aroma Nagar, Munneerpallam Village, Palayamkottai Taluk, Tirunelveli District, based on his representation dated 15.05.2021.

2. Heard Mr.T.Selvan, learned counsel for the petitioner; Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 to 5 and Mr.N.Dilip Kumar, learned counsel for the sixth respondent.



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3. Pointing out that the sixth respondent – Welfare Association encroached the layout namely “Aroma Nagar” by constructing a wall and thereby obstructing the general public to reach the 2nd East Street, Aroma Nagar, the petitioner submitted a representation dated 15.05.2021, to the respondents 1 to 4 and the same, according to learned counsel for the petitioner, is unattended.

4. In response, the learned counsel for the sixth respondent submitted that the authorities concerned have already removed the encroachment projected by the petitioner, however, the petitioner himself has encroached again on the land in question, after the removal of the encroachment.

5. Be that as it may, in view of the above submissions of the learned counsel for the parties, without expressing any opinion on the merits of the case, this Writ Petition is disposed of, with a direction to the respondents 1 to 4, to survey the land in question in the presence of the petitioner, sixth respondent and all other parties concerned and if there is any encroachment as claimed by the parties, necessary action shall be taken for removal of the same, after affording an opportunity of hearing to all the parties concerned and by



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following due process of law. Such an exercise shall be completed 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.]

26.10.2022

Internet : Yes / No

Index : Yes / No

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