



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)NO.10499 of 2020

G.Manthiramuthu

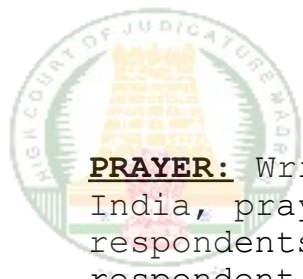
:Petitioner

.vs.

- 1.The Inspector General of Police,
South Zone,
Madurai District.
- 2.The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli District.
- 3.The Superintendent of Police,
Tuticorin District,
Tuticorin.
- 4.The Deputy Superintendent of Police,
Vilathikulam,
Tuticorin District.
- 5.The Inspector of Police,
Vilathikulam Police Station,
Tuticorin District.
- 6.Pathbanabha Pillai,
Inspector of Police,
Vilathikulam Police Station,
Vilathikulam,
Tuticorin District.
- 7.The District Collector,
Tuticorin, Tuticorin District.
- 8.The Tahsildar,
Vilathikulam,
Tuticorin District.

(Respondents 7 and 8 are impleaded as per order of this Court made in W.M.P(MD)No.9645 of 2020 in W.P(MD)No.10499 of 2020, dated 4.9.2020)

: Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to take appropriate action as against the sixth respondent for illegally harassing the Petitioner and his family members and consequently to direct the sixth respondent not to interfere the Petitioner's fruit shop business situated opposite to Vilathikulam Bus stand, Tuticorin District, on the basis of the complaint dated 18.08.2020 within the time stipulated by this Court.

For Petitioner : Mr.J.Jeyakumaran

For Respondents : Mr.M.Sakthi Kumar
1 to 5, 7 and 8 Govt.Advocate

For Respondent-6 : No appearance

O R D E R

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to take appropriate action as against the sixth respondent for illegally harassing the Petitioner and his family members and consequently to direct the sixth respondent not to interfere the Petitioner's fruit shop business situated opposite to Vilathikulam Bus stand, Tuticorin District, on the basis of the complaint dated 18.08.2020.

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

3.The grievance of the Petitioner is that the sixth respondent is interfering with the fruit business of the Petitioner in selling the fruits in the area above-mentioned.

4.The learned Government Advocate appearing for the respondents 1 to 5, 7 and 8 would submit that the Petitioner had tried to encroach upon the poramboke land. By filing the present Writ Petition, the Writ Petitioner had tried to establish his right over the land encroached by him.

5.When this Court posed a question to the Petitioner as to whether any licence was issued to the Petitioner, the learned counsel for the Petitioner would answer that only identity card was issued by the authorities in this regard and no licence was obtained.

6.Without any licence from the competent authority, one cannot claim any right over the area in occupation, which itself was stated to be an encroachment. However, the official respondents are



directed to follow the due process of law, while enquiry was made and not to harass the Petitioner under the guise of enquiry. Further, the Petitioner need not be thrown out abruptly from the area in occupation and the same should be done only by following the due procedure of law, as contemplated under the relevant Act.

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7. With the above observations, the Writ Petition stands closed.
No costs.

Sd/-

Deputy Registrar (LA & MC)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

vsn

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 Inspector General of Police,
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2. The Deputy Inspector General of Police,
Tirunelveli Region,
Tirunelveli District.
3. The Superintendent of Police,
Tuticorin District,
Tuticorin.
4. The Deputy Superintendent of Police,
Vilathikulam,
Tuticorin District.
5. The Inspector of Police,
Vilathikulam Police Station,
Tuticorin District.



6.The District Collector,
Tuticorin, Tuticorin District.

7.The Tahsildar,
Vilathikulam,
Tuticorin District.

ORDER MADE IN
W.P (MD) NO.10499 of 2020
04.03.2022

KS (CO)
TR(18.03.2022) 4P 8C