



WEB COPY

W.P.(MD)No.12162 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**

and

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.12162 of 2022
and W.M.P.(MD) No.8655 of 2022

K.R.Deepalakshmi

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.

3.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

4.Ex.Servicemen Welfare Society,
T.S.No.31/1, Ward B, Block 8,
Rajapalayam,
Virudhunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 to 3 to consider the representation of the Petitioner dated 08.03.2022 to remove the encroachment caused by the Respondent No.4 in the land in T.S.No.31/1, Ward B, Block 8, Rajapalayam, Virudhunagar District in accordance with law within a time frame as may be fixed by this Honourable Court.

For Petitioner : Mr.Y.Prakash
For Respondents 1 & 3 : Mr.S.P.Maharajan
Special Government Pleader
For 2nd Respondent : Mr.N.Dilipkumar
Standing Counsel

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

The writ petition has been filed by the owner of the land, adjoining the Government Poramboke land, for issuance of a
<https://hcservices.ecourts.gov.in/hcservices/>



Writ of Mandamus, directing the Respondents 1 to 3 to consider the representation of the Petitioner dated 08.03.2022 to remove the encroachment caused by the Respondent No.4 in the land in T.S.No.31/1, Ward B, Block 8, Rajapalayam, Virudhunagar District in accordance with law within a time frame.

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2. Heard Mr.Y.Prakash, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 1 & 3 and Mr.N.Dilipkumar, learned Standing Counsel for the second respondent.

3. Though notice is expected to be served on the fourth respondent, having regard to the order proposed to be passed in this writ petition, no prior notice to the fourth respondent is required.

4. The petitioner states that on the northern side of his patta land, the land in T.S.No.31/1, Ward B, Block 8, Rajapalayam, Virudhunagar District is situated. It is further stated that the said land is classified as 'Kalam Poramboke', which belongs to Government. Petitioner's further case is that on the eastern side of the said land, there is a 60 feet road and on the western side, there is a huge vacant land. Stating that the petitioner can reach his land through 60 feet road, the above writ petition has been filed.

5. Petitioner's apprehension is that the fourth respondent has encroached upon the land and started putting up construction, expecting an assignment from the Government.

6. This Court without going into the merits of the averments made in the affidavit filed in support of the writ petition is inclined to dispose of the writ petition on the following lines:

6.1 The third respondent is directed to consider the representation of the petitioner dated 08.03.2022 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

6.2 If any encroachment by any person, including the fourth respondent, is found in the Government Poramboke land, it is open to the third respondent to do the needful to remove the encroachment, if it is an obstruction to the public and the land is required to the Government for any public purpose in future.

6.3 If the fourth respondent as an Ex-Servicemen Welfare Society has to be given preference, then, without affecting the rights of the public, it is open to the first respondent District Collector to consider the same and do the needful without being



influenced by any of the observations made in this writ petition.

6.4 It is also open to the petitioner to approach the Civil Court to establish his right of easement or any other right, in case he suffers any legal injury on account of any construction in the land which is the subject matter of this writ petition.

No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

sj

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Tahsildar,
Rajapalayam Taluk,
Virudhunagar District.

3.The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam,
Virudhunagar District.

+1 CC to M/s.Y.PRAKASH, Advocate (SR-27335[F] dated 22/06/2022)

+1 CC to M/s.SPL.GP (SR-27432[F] dated 22/06/2022)

+1 CC to M/s.N. DILIPKUMAR, Advocate (SR-27507[F] dated 22/06/2022)

W.P (MD) No.12162 of 2022
20.06.2022

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KB(28.06.2022) 3P 7C