



W.P.(MD) No.13304 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.13304 of 2020

S.Deivendran

... Petitioner

-Vs-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Revenue Divisional Officer,
Kovilpatti, Thoothukudi District.

3.The Tahsildar,
Taluk Office, Vilathikulam Taluk,
Thoothukudi District.

Page 1 of 6



W.P.(MD) No.13304 of 2020

WEB COPY

4.The Commissioner of Panchayat Union,
Panchayat Union Office,
Pudhur, Vilathikulam Taluk,
Thoothukudi District.

5.The President,
Lakshmipuram Panchayat,
Vilathikulam Taluk,
Thoothukudi District.

6.The Village Administrative Officer,
Lakshmipuram Group,
Vilathikulam Taluk,
Thoothukudi District.

7.Marimuthu

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the 7th respondent in the public pathway adjacent to Natham Survey No.142/2, New Survey No.242 at Lakshmipuram Village, Kadalkudi Post, Vilathikulam Taluk, Thoothukudi District, based on the representation dated 13.08.2020.

Page 2 of 6



W.P.(MD) No.13304 of 2020

WEB COPY

For Petitioner : No Appearance
For R1 to R6 : Mr.S.P.Maharajan,
Special Government Pleader
For R7 : Mr.M.Sam Eugene Jebakumar

ORDER

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

This Writ Petition is filed seeking issuance of a Writ of Mandamus, directing the respondents 1 to 6 to remove the encroachment made by the 7th respondent in the public pathway adjacent to Natham Survey No.142/2, New Survey No.242 at Lakshmipuram Village, Kadalkudi Post, Vilathikulam Taluk, Thoothukudi District, based on the representation of the petitioner dated 13.08.2020.

2.Today, when the matter was taken up for hearing, the learned Special Government Pleader for the respondents 1 to 6 has produced the proceedings of the 3rd respondent in Na.Ka.Aa7/3951/2020, dated 07.11.2022 addressed to him and submitted that the authorities concerned have issued a show cause notice

Page 3 of 6



W.P.(MD) No.13304 of 2020

WEB COPY

under Section 7 of the Tamil Nadu Land Encroachment Act, 1905 to the wife of the 7th respondent, seeking explanation in respect of the encroachment put up by her in the place in question and after receiving such explanation, appropriate action would be taken by due process of law for removal of encroachment in the place in question.

3.On the other hand, the learned counsel for the 7th respondent submitted that there is no encroachment as projected by the petitioner and the 7th respondent is in possession and enjoyment of his patta land. Hence, the claim of the respondent authorities cannot be countenanced unless and otherwise sufficient opportunity is given to the 7th respondent.

4.In view of the above, without going into the merits of the case, we direct the authorities concerned to remove the encroachment in the place in question, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



WEB COPY



W.P.(MD) No.13304 of 2020

5. With the above direction, this Writ Petition is disposed of. No costs.

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

09.11.2022

Index : Yes / No

Internet : Yes / No

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Page 5 of 6



WEB COPY



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