



W.P(MD)No.13496 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM:

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

W.P(MD)No.13496 of 2021

Rethineshwaran

... Petitioner

VS.

- 1.The District Collector,
District Collector Office,
Ramanathapuram – 625 503.
- 2.The Block Development Officer,
Block Development Office,
Uchippulli – 625 503.
- 3.The Tahsildar,
Office of Tahsildar,
Rameswaram – 623 526.
- 4.The Assistant Director (Panchayat),
District Collector Office,
Ramanathapuram – 623 503.
- 5.The Panchayat President,
Pamban – 623 521,
Rameswaram Taluk,
Ramanathapuram District.
- 6.Punndiraj
- 7.Arulldhash

... Respondents



W.P(MD)No.13496 of 2021

WEB COPY

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 and 7 in Survey No.857/1 in Pamban Village, Rameswaram Taluk, Rameswaram District within a time frame stipulated by this Court.

For Petitioner	: Mr.S.A.Ajmal Khan
For RR 1 to 5	: Mr.N.GA.Nataraj Government Advocate
For RR 6 & 7	: Mr.Mohammed Ibrahim

ORDER

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

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the respondents 6 and 7 in Survey No.857/1 in Pamban Village, Rameswaram Taluk, Rameswaram District within a time frame.

2. The learned counsel appearing for the petitioner submitted that though the petitioner made representations, dated 13.05.2020 and 22.05.2020 to the respondents 1 and 3 respectively seeking removal of encroachment in the aforesaid survey number and pursuant thereto, though



W.P(MD)No.13496 of 2021

the said authorities vide proceedings in O.Mu.B3/14997/2020, dated Nil 05.2020 and Na.Ka.A4/1133/2020, dated 09.06.2020, directed the respondents 4 and 2 respectively, to take appropriate action for removal of the encroachment, till date, no steps are taken to remove the encroachment. Hence, the petitioner made another representation, dated 10.04.2021 in this regard. But, there was no response. Hence, this Writ Petition.

3. The learned Government Advocate appearing for the respondents 1 to 5, on instructions, submitted that the petitioner's representation dated 10.04.2021 would be considered and appropriate action will be taken in accordance with law.

4. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 5 are directed to consider the representation of the petitioner, dated 10.04.2021 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and all other parties concerned, the authorities concerned are directed to take necessary action



W.P(MD)No.13496 of 2021

WEB COPY

for removal of encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

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

[R.M.D.,J.] [J.S.N.P.,J.]
26.10.2022

Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
District Collector Office,
Ramanathapuram – 625 503.
- 2.The Block Development Officer,
Block Development Office,
Uchippulli – 625 503.
- 3.The Tahsildar,
Office of Tahsildar,
Rameswaram – 623 526.



WEB COPY



W.P(MD)No.13496 of 2021

4.The Assistant Director (Panchayat),
District Collector Office,
Ramanathapuram – 623 503.

5.The Panchayat President,
Pamban – 623 521,
Rameswaram Taluk,
Ramanathapuram District.



WEB COPY



W.P(MD)No.13496 of 2021

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

ps

ORDER MADE IN
W.P(MD)No.13496 of 2021

DATED : 26.10.2022