



W.P(MD)No.13436 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.13436 of 2021

A.Murugan

... Petitioner

VS.

1.The District Collector,
Collectorate,
Kokirakulam,
Tirunelveli.

2.The Tahsildar,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.

3.Kandasamy @ Thurai Pillai

4.Balasubramanian

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take necessary steps to remove the encroachment (fencing) in Survey No.714, which is classified as Government poramboke land situated in Kalakadu Pathai -1 Village, Nanguneri Taluk, Tirunelveli District within the stipulated time fixed by this Court.

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For Petitioner : Mr.S.Meenakshi Sundaram
Senior Advocate
for Mr.M.Sengu Vijay

For RR 1 & 2 : Mr.S.P.Maharajan
Special Government Pleader

For RR 3 & 4 : Mr.V.Meenakshi Sundaram

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 and 2 to take necessary steps to remove the encroachment (fencing) in Survey No.714, which is classified as Government poramboke land situated in Kalakadu Pathai-1 Village, Nanguneri Taluk, Tirunelveli District.

2. The learned counsel appearing for the petitioner submitted that the respondents 3 and 4, who are the officer bearers of Arulmighu Kulasekara Amman Temple, have put up a fence in the abovesaid Survey number. Hence, the petitioner made a representation, dated 05.05.2021 to

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the respondents 1 and 2 seeking to remove the said encroachment. But, there was no response. Hence, this Writ Petition.

3. The second respondent has filed a counter-affidavit. The learned Special Government Pleader appearing for the respondents 1 and 2 has also produced the memo of compromise, dated 04.02.2021 signed by both the parties and submitted that a compromise was arrived at between the petitioner and the Temple administrators including the respondents 3 and 4, after conducting a survey in the place in question in the presence of the Firka Surveyor, Revenue Officials as well as police officials. Pursuant to the said compromise, the aforesaid fencing was removed with the consent of the petitioner in the presence of all the parties. Thus, the prayer of the petitioner is met with by the authorities concerned.

4. In view of the aforesaid submission, the Writ Petition is disposed of directing the petitioner to approach the authorities concerned, if the alleged encroachment is still existing. In any such request is made by the petitioner, the authorities concerned shall consider the same and remove the encroachment, if any, after affording sufficient opportunity of



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personal hearing to all the parties concerned and by following due process of law, as expeditiously as possible. 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,
Collectorate,
Kokirakulam,
Tirunelveli.
- 2.The Tahsildar,
Nanguneri Taluk,
Nanguneri,
Tirunelveli District.



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

ps

ORDER MADE IN
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