



W.P.(MD)No.15204 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 18.07.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15204 of 2022

M.Manikannan

... Petitioner

Vs.

1.The Assistant Commissioner,
Thatchanallur Zone,
Tirunelveli City Municipal Corporation,
Tirunelveli.

2.Thasidhar,
Palayamkottai Taluk Office,
Palayamkottai,
Tirunelveli.

3.The Town Surveyor,
Palayamkottai Zone,
Tirunelveli City Municipal Corporation,
Tirunelveli.

4.K.Ramasamy

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 to measure the property in T.S.No.68/2, Ward AZ, Block No.8, Palayamkottai-II Village, Palayamkottai Taluk and T.S.No.1041, Ward BJ, Block 12, Palayamkottai Part-3, Palayamkottai Taluk with necessary police protection within time frame.



W.P.(MD)No.15204 of 2022

For Petitioner : Mr.S.Kumar
For R1 : Mr.A.Sivanu Pandian
For R2 & R3 : Mr.G.Sivaraja
Government Advocate

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

2. The petitioner wants survey to be done in the petition mentioned lands.

3. When the matter was taken up for hearing, the learned Government Advocate submitted that T.S.No.68/2 is the petitioner's patta property. But the other T.S.No.1041 is a Government poramboke. The petitioner cannot obviously ask for survey in respect of the Government poramboke. But the Government Advocate conceded that T.S.No.1041 is a pathway and that it is encroached by the fourth respondent. Even though such a statement has been made by the learned Government Advocate, behind the back of the fourth respondent, I cannot give any adverse finding.



W.P.(MD)No.15204 of 2022

WEB COPY

4. Therefore, I direct the respondents 1 to 3 to conduct survey and demarcation exercise in respect of T.S.No.68/2 alone. If there is encroachment in T.S.No.1041, it is the duty of the official respondents to issue notice to the fourth respondent and if there is really an encroachment of the public pathway, the same will have to be removed without any delay. If need be, the survey and revenue authorities can take assistance of the jurisdictional police and the jurisdictional police are obliged to give aid to the revenue authorities to clear the encroachment. The entire exercise shall be done within a period of twelve weeks from the date of receipt of a copy of this order. Due process of law will be followed.

5. The Writ Petition is disposed of on these terms. No costs.

18.07.2022

Index : Yes / No
Internet : Yes/ No
rmi

To

1.The Assistant Commissioner,
Thatchanallur Zone,



W.P.(MD)No.15204 of 2022

WEB COPY
Tirunelveli City Municipal Corporation,
Tirunelveli.

G.R.SWAMINATHAN,J.

rmi

- 2.Thasidhar,
Palayamkottai Taluk Office,
Palayamkottai,
Tirunelveli.
- 3.The Town Surveyor,
Palayamkottai Zone,
Tirunelveli City Municipal Corporation,
Tirunelveli.

W.P.(MD)No.15204 of 2022



WEB COPY



W.P.(MD)No.15204 of 2022

18.07.2022