



W.P(MD)No.15464 of 2021

**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.15464 of 2021**

S.Rajagopal

... Petitioner

VS.

- 1.The District Collector,  
The Collectorate,  
Tuticorin,  
Tuticorin District.
- 2.The Tahsildar,  
Taluk Office,  
Kovilpatti,  
Tuticorin District.
- 3.The Collector,  
The Collectorate,  
Tenkasi, Tenkasi District.
- 4.The Tahsildar,  
Taluk Office,  
Thiruvengadam,  
Tenkasi District.
- 5.The Block Development Officer,  
Kuruvikulam,  
Thiruvengadam Taluk,  
Tenkasi District.



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6.V.Ramamoorthi

... Respondents

**PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the sixth respondent in Survey No.326/1, Old Appaneri Village, Kovilpatti Taluk, Tuticorin District on the basis of letter, dated 28.11.2020 in Na.Ka.No.A3/7081/2019 sent by the second respondent.

|                |                          |
|----------------|--------------------------|
| For Petitioner | : Mr.B.Rajesh Saravanan  |
| For RR 1 to 5  | : Mr.G.V.Vairam Santhosh |
| For R – 6      | : Mr.V.Sugumar           |

**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 sixth respondent in Survey No.326/1, Old Appaneri Village, Kovilpatti Taluk, Tuticorin District on the basis of the letter, dated 28.11.2020 in Na.Ka.No.A3/7081/2019 sent by the second respondent.



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2. Earlier, the petitioner made a representation, dated 13.09.2019 to the second respondent, seeking removal of the encroachment made by the sixth respondent in the abovesaid survey number. After surveying the property in question, the second respondent vide proceedings in Na.Ka.No.A3/7081/2019, dated 28.11.2020, directed the fifth respondent to remove the encroachment. Though the fifth respondent sent letters, dated 05.12.2020 and 15.12.2020 to the sixth respondent to remove the encroachments, so far no action has been taken. Hence, the petitioner sent a legal notice, dated 13.07.2021 to the authorities concerned. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

3. Refuting the allegation made by the petitioner, the sixth respondent filed typed set of papers.

4. The learned Additional Government Pleader appearing for the respondents 1 to 5, on instructions, submitted that after measuring the property in question and affording due opportunity of hearing to all the parties, the authorities concerned will remove the encroachment, if any, by due process of law.



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5. Recording the abovesaid submission of the learned Additional Government Pleader, the authorities concerned are directed to measure the property in question, after issuing notice and conducting survey in the presence of the petitioner, the sixth respondent and all other parties concerned. The parties are at liberty to place all their submissions as well as documentary evidences before the authorities concerned for consideration. After considering all the materials submitted by the parties, if the authorities find any encroachment in the place in question, they shall remove the same, after affording sufficient opportunity of hearing to all the parties concerned and by following due process of law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. 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  
ps



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**R.MAHADEVAN,J.**

**and**

**J.SATHYA NARAYANA PRASAD,J.**

ps

**ORDER MADE IN  
W.P(MD)No.15464 of 2021**

**09.11.2022**