



W.P(MD)No.22116 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.09.2022

CORAM:

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

W.P(MD)No.22116 of 2022

Velkumar

... Petitioner

VS.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

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

3.The Tahsildar,
Tiruchendur,
Thoothukudi District.

4.S.T.Balan

5.Ganesan

... 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 2 and 3 herein to remove the encroachment in Survey No.257/11, Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District by considering the petitioner's representation, dated 27.08.2022 within a stipulated time.

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For Petitioner : Mr.M.Jegadeeshpandian
For RR 1 to 3 : Mr.S.P.Maharajan
Additional Government Pleader

ORDER

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

Mr.G.V.Vairam Santhosh, learned Additional Government Pleader takes notice for the respondents 1 to 3.

2. Since this Writ Petition is disposed of at the admission stage itself and considering the nature of relief sought for by the petitioner, notice to the respondents 4 and 5 is dispensed with.

3. The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 2 and 3 to remove the encroachment in Survey No.257/11, Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District by considering the petitioner's representation, dated 27.08.2022.



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4. The petitioner claims that the respondents 4 and 5 had encroached the public pathway to an extent of 8 feet in Survey No.257/1, Paramankurichi Village, Tiruchendur Taluk, Thoothukudi District. Hence, the petitioner sent a representation dated 27.08.2022 to the respondents 1 to 3 to take immediate action against the encroachment made by the respondents 4 and 5. Since the said representation has not been considered so far, the petitioner has filed this Writ Petition.

5. On the other hand, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader taking notice for the respondents 1 to 3, fairly submitted that the respondent authorities would take action and remove the encroachment, if any, by following due process of law, within a time frame to be fixed by this Court.

6. Undoubtedly, encroachment of public property obstructs and upsets the planned development, ecology and sanitation and it is the bounden duty of the authorities to act with vigilance and prevent encroachment immediately, so as to preserve and protect the public property. Therefore, this Court directs the respondents 1 to 3 to consider the representation of the petitioner, dated 27.08.2022 and take action with



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regard to removal of encroachment, if any, after following due process of law. It is made clear that such action will be taken by the respondent authorities, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner as well as any other interested parties, within a period of eight weeks from the date of receipt of a copy of this order.

7. The Writ Petition is disposed of with the above direction. No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
20.09.2022

Index : Yes / No
Internet : Yes
ps



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R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
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20.09.2022