

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.23815 of 2022

V.Valli

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District.

2. The Thasildar,
Eral Taluk, Thoothukudi District.

3. The Executive Officer,
Alwarthirunagari Town Panchayat,
Thoothukudi District.

4. Shanmuga Jemila

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the illegal encroachment made by the fourth respondent in the Adi Dravidar pathway situated in Survey no. 296/3B for an extent of 0.01.00 Ares situated at Alwarthirunagari Village, Eral Taluk, Thoothukudi District, by considering the petitioner's representation dated 17.03.2021.

For Petitioner

: Mr.S.Madhira Lingeshwaran

For Respondents

: Mr.S.P.Maharajan,

Special Government Pleader
for R1 and R2
Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R3

ORDER

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

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the illegal encroachment made by the fourth respondent in the Adi Dravidar pathway, in Survey No. 296/3B, at Alwarthirunagari Village, Eral Taluk, Thoothukudi District, by considering the petitioner's representation dated 17.03.2021.

2. Heard Mr.S.Madhira Lingeshwaran, learned counsel for the petitioner; Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the third respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Today, when the matter was taken up for hearing, the learned Special Government Pleader, who accepts notice on behalf of the respondents 1 and 2 has produced the proceedings of the Tahsildar, Eral Taluk – second respondent in Na.Ka.No.B1/2279/2022, dated 16.10.2022, addressed to him and submitted that the survey conducted by the authorities concerned revealed that the fourth respondent has encroached 0.00.10 Square Metres of Government poramboke land in Survey No.296/3B and the same was communicated to the third respondent – Executive Officer, Alwarthirunagari Town Panchayat, *vide* proceedings dated O.Mu.Vu1/2354/2021, dated 06.10.2021, for taking necessary steps to remove such encroachment. Based on which, the Executive Officer, Alwarthirunagari Town Panchayat, has issued a show cause notice under Section 7 of the Tamil Nadu Land Encroachment Act 1905, in Na.Ka.B1/2279/2022, dated 15.10.2022 to the fourth respondent directing him to submit an explanation within fifteen days as to why the encroachment put up by her should not be removed. Thus, he submitted that after completion of the said fifteen days period, the authorities concerned will remove the aforesaid encroachment, if not removed by the fourth respondent, by following due process of law. The said submission and the communication dated 16.10.2022 are not refuted by the learned counsel for the petitioner.

4. Recording the said submission of the learned Special Government Pleader, this Writ Petition is disposed of, with a direction to the authorities concerned, to remove the encroachments as per the communication of the second respondent dated 16.10.2022, if not removed by the fourth respondent within fifteen days, after affording an opportunity of hearing to all the parties concerned and by following due process of law, within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
17.10.2022

Internet : Yes / No

Index : Yes / No

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