

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM:

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

W.P.(MD) No.25000 of 2018

S.Dinakaran

... Petitioner

-VS-

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

3.Karupasamy @ Vathiyar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 herein to remove the encroachment of the Government Poramboke land situated in S.No.104/2 in Inammaniyachi Village, Kovilpatti Taluk, Thoothukudi District made by the third respondent and consider the petitioner's representation dated 03.12.2018.

For Petitioner : Mr.M.Prabu

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Government Pleader
for R1 and R2

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2, to remove the encroachment made by the third respondent in the Government Poramboke land, in S.No.104/2 in Inammaniyachi Village, Kovilpatti Taluk, Thoothukudi District, based on the petitioner's representation dated 03.12.2018.

2. The respondents 1 and 2, have filed a counter-affidavit specifically stating that that there is no encroachment as alleged by the petitioner. The relevant portion of the counter averment is extracted below:-

“I submit that on the basis of the petition dated
03.12.2018 of the writ petitioner, the site was inspected by

the revenue officials, measured the land in question in the presence of the writ petitioner, his wife and found that there is no encroachment in any way in the land in S.No.104/2 of Inammaniyachi Village of Kovilpatti Taluk. The writ petitioner as well as his wife gave statements to this effect.”

The said averment has not been stoutly refuted by the learned counsel for the petitioner.

3. In view of the above, this Writ Petition is closed. No costs.

[R.M.D., J.] [J.S.N.P., J.]
11.10.2022

Index : Yes / No
Internet : Yes / No
pkn

To:

- 1.The District Collector,
Thoothukudi District, Thoothukudi.
- 2.The Tahsildar,
Kovilpatti Taluk,
Thoothukudi District.

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

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