



W.P.(MD)No.25699 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.11.2022

CORAM

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

W.P(MD)No.25699 of 2022

Kulam Mohamed Ibrahim

... Petitioner

Vs.

1.The District Collector,
Thoothukudi,
Thoothukudi District.

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

3.The Tahsildar,
Thiruchendur,
Thoothukudi District.

4.Jeyaraman

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to remove the encroachment made in the Government properties comprised of sand situated on the eastern side of survey No. 806 and 807 of Kaayalpattinam Thenpagam Village, Thiruchendur Taluk, Thoothukudi District by considering the representation of the petitioner dated 20.09.2022 within a time frame that may be fixed by this Hon'ble Court.

For Petitioner

: Mr.S.C.Herold Singh



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For Respondents 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

* * *

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 to remove the encroachment made in the Government Poramboke land situated on the eastern side of Survey Nos. 806 and 807 of Kaayalpattinam Thenpagam Village, Thiruchendur Taluk, Thoothukudi District, by considering his representation dated 20.09.2022, within a time frame.

2. Heard Mr.S.C.Herold Singh, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice on behalf of the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 4th respondent is dispensed with.



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4. Alleging that the 4th respondent has made encroachment in the Government Poramboke land, measuring an extent of 75 cents, situated on the eastern side of Survey Nos. 806 and 807 of Kaayalpattinam Thenpagam Village, Thiruchendur Taluk, Thoothukudi District, and fenced the same, the petitioner submitted a representation to the official respondents on 20.09.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the third respondent to dispose of his representation dated 20.09.2022, within a time frame.

6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner, either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the third respondent to consider the representation of the petitioner dated



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20.09.2022, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the 4th respondent and any other parties concerned, the authorities concerned shall take necessary action for removal of the encroachment in the Government Poramboke land situated on the eastern side of Survey Nos. 806 and 807 of Kaayalpattinam Thenpagam Village, Thiruchendur Taluk, Thoothukudi District, after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise shall be completed 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.]
14.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

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Thoothukudi,
Thoothukudi District.



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