



W.P.(MD)No.25858 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

CORAM

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

W.P(MD)No.25858 of 2022
and W.M.P.(MD) No.19993 of 2022

Nagajothi

... Petitioner

Vs.

- 1.The District Collector,
Thoothukudi District
at Thoothukudi.
- 2.The District Revenue Officer,
Thoothukudi District,
Thoothukudi.
- 3.The Tahsildar,
Vilathikulam Taluk,
Thoothukudi District.
- 4.The Block Development Officer,
Pudur Panchayat Union,
Pudur East, Vilathikulam Taluk,
Thoothukudi District.
- 5.The Panchayat President,
Kila Arunachalapuram Panchayat,
Pudur Panchayat Union,
Pudur East, Vilathikulam Taluk,
Thoothukudi District.

6.S.Veerappan

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to survey the complete Old Natham S.No.34/7, New Natham Survey Nos.325/71 and 326 locate at Keela Arunchalapuram Village, Nadukkattur Majara, Vilathikulam Taluk, Thoothukudi District in its totality and extent to identify encroachments if any and take action in accordance with law on the basis of petitioner's representation dated 07.11.2022 giving opportunity to 6th respondent by following the principles of natural justice and equity in accordance with law.

For Petitioner : Mr.M.Sathiamoorthy

For Respondents 1 to 5 : Mr.S.P.Maharajan
Special 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 survey the complete Old Natham S.No.34/7, New Natham Survey Nos.325/71 and 326, situated at Keela Arunchalapuram Village, Nadukkattur Majara, Vilathikulam Taluk, Thoothukudi District, to identify encroachments, if any, and to take action in accordance with law on the basis of her representation dated 07.11.2022.



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2. Heard Mr.M.Sathiamoorthy, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 5. 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 6th respondent is dispensed with.

4. According to the petitioner, since the petitioner's father-in-law opposed the 6th respondent for putting up a shed encroaching the street, the 6th respondent after making a complaint to the official respondents, filed W.P.(MD) No.22879 of 2022 against her father-in-law, as if he is an encroacher and based on the order of this Court dated 29.09.2022, made therein, the official respondents without considering the counter complaint given by the petitioner's father-in-law, are trying to remove the petitioner's house, without following due process of law. Hence, this Writ Petition.



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5. By order dated 29.09.2022, in W.P.(MD) No.22879 of 2022, touching upon the same subject, this Court has directed the official respondents to give opportunity to all the parties concerned and thereafter, proceed for removal of encroachment, if any. When such being the case, this Writ Petition is unnecessary and the said order, referred above, will apply to the petitioner's case also. It is also made clear that, if required, the authorities have to conduct survey to remove the encroachment by following due process of law.

6. The Writ Petition stands disposed of with the above observations. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D., J.] [J.S.N.P., J.]
15.11.2022

Internet : Yes / No
Index : Yes / No
sj

To

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at Thoothukudi.



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- 4.The Block Development Officer,
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Pudur East, Vilathikulam Taluk,
Thoothukudi District.
- 5.The Panchayat President,
Kila Arunachalapuram Panchayat,
Pudur Panchayat Union,
Pudur East, Vilathikulam Taluk,
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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