



W.P.(MD) No.26447 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.26447 of 2022

V.Muniyasamy

... Petitioner

Vs.

- 1.The District Collector,
O/o. District Collectorate,
Thoothukudi District.
- 2.The District Revenue Officer,
O/o. District Revenue Office,
Thoothukudi District.
- 3.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Kovilpatti.
- 4.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.



W.P.(MD) No.26447 of 2022

WEB CRYSTAL 5.Kalayarasi

6.Vellayammal

7.Poomalayammal

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 to 4 to remove the illegal encroachments made by the respondents No.5 to 7 by way of put up iron fencing around the Government land situated in S. Nos.719/3A, 721/4, 721/6 total extent of 1 acre 27 cents situated at Ettayapuram Village, Ettayapuram Taluk, Thoothukudi District and consequently direct the respondent Nos.1 to 4 to recover the subject Government surplus lands in S.Nos.719/3A, 721/4, 721/6 within the time frame stipulated by this Honble Court.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Govt. Pleader for R1 to R4 .

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 respondent Nos.1 to 4 to remove the illegal encroachments made by



W.P.(MD) No.26447 of 2022

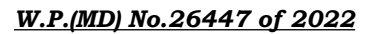
WEB COPY

the respondents Nos.5 to 7, by way of putting up iron fencing around the Government lands situated in S.Nos.719/3A, 721/4, 721/6, measuring total extent of 1 acre 27 cents, situated at Ettayapuram Village, Ettayapuram Taluk, Thoothukudi District and consequently direct the respondent Nos.1 to 4 to recover the subject Government surplus lands in S. Nos.719/3A, 721/4, 721/6 within a time frame.

2. Heard Mr.T.Lajapathi Roy, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Addl. Government Pleader, who takes notice for the respondents 1 to 4. In view of the nature of the order proposed to be passed, notice to the respondents 5 to 7 is dispensed with.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. The learned counsel for the petitioner submitted that the respondents 5 to 7 have made encroachments in the aforesaid survey numbers, by creating



6. The aforesaid submission of the learned Government Pleader is refuted by the learned counsel for the petitioner stating that the above said documents are make-believe documents and on the above said documents, the private parties encroached the subject properties.



W.P.(MD) No.26447 of 2022

WEB COPY 7. Recording the submission of the learned Additional Government Pleader, this Writ Petition is disposed of, with a direction to the authorities concerned to consider and dispose of the representation of the petitioner dated 04.11.2022, on merits and in accordance with law, after conducting proper survey in the place in question, in the presence of the petitioner and all the interested parties. Thereafter, if the authorities find any encroachment in the place in question, the same shall be removed after affording sufficient opportunity to all the parties and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

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

vsm

23.11.2022



WEB COPY



W.P.(MD) No.26447 of 2022

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

vsm

To

- 1.The District Collector,
O/o. District Collectorate,
Thoothukudi District.
- 2.The District Revenue Officer,
O/o. District Revenue Office,
Thoothukudi District.
- 3.The Revenue Divisional Officer,
O/o. Revenue Divisional Office,
Kovilpatti.
- 4.The Tahsildar,
Ettayapuram Taluk,
Thoothukudi District.

W.P.(MD) No.26447 of 2022

23.11.2022