



W.P.(MD)No.26488 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2022

CORAM

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

W.P(MD)No.26488 of 2022

K.Subbiah

... Petitioner

Vs.

1.The District Collector,
District Collector Office,
Thoothukudi.

2.The Revenue Divisional Officer,
Revenue Divisional Officer Office,
Kovilpatti,
Thoothukudi District.

3.The Tahsildar,
Taluk Office,
Kayathar Taluk,
Thoothukudi District.

4.K.Sangili Pandi

5.S.Arumugathai

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 5 in Survey No.30 and Survey No.178/32 in Chidambarampatti Village,



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Chettikurichi Post, Kayatharu Taluk, Thoothukudi District, on the basis of the petitioner's representation dated 29.07.2022, within the time stipulated by this Hon'ble court.

For Petitioner : Mr.K.Gokul

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 1 to 3 to remove the encroachment made by the respondents 4 and 5 in Survey Nos.30 and 178/32, situated at Chidambarampatti Village, Chettikurichi Post, Kayatharu Taluk, Thoothukudi District, on the basis of his representation dated 29.07.2022, within a time frame.

2. Heard Mr.K.Gokul, 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.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 4 and 5 is dispensed with.

4. Alleging that the respondents 4 and 5, who are husband and wife, have made encroachment in Government Poramboke Pond (Oorani) and pathway in Survey Nos.30 and 178/32, respectively, in Chidambarampatti Village, Chettikurichi Post, Kayatharu Taluk, Thoothukudi District, and built an iron shed, the petitioner submitted a representation to the official respondents on 29.07.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the encroachment made in the above said survey numbers will be removed by following due process of law.

6. Recording the same, this Writ Petition is disposed of with a direction to the 3rd respondent to issue notice to the petitioner and respondents 4 and 5 and any other parties and



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conduct survey and remove the encroachment, if any, after affording an opportunity of hearing to the petitioner, the respondents 4 and 5 and all other parties and by following due process of law. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
24.11.2022

Internet : Yes / No
Index : Yes / No
sj

To

- 1.The District Collector,
District Collector Office,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Revenue Divisional Officer Office,
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Thoothukudi District.
- 3.The Tahsildar,
Taluk Office,
Kayathar Taluk,
Thoothukudi District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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