



W.P.(MD) No.27257 of 2022

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 02.12.2022**

**CORAM:**

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN**

**AND**

**THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

**W.P.(MD)No.27257 of 2022**

Ramasubbu

... Petitioner

-Vs-

- 1.The District Collector,  
Tirunelveli District,  
Tirunelveli.
- 2.Revenue Divisional Officer,  
Tirunelveli Division,  
Tirunelveli.
- 3.The Tahsildar,  
Taluk Office,  
Ambasamudram Taluk,  
Ambasamudram, Tirunelveli District.
- 4.The District Registrar,  
Tirunelveli Registration District,  
Tirunelveli.

**Page 1 of 6**



W.P.(MD) No.27257 of 2022

WEB COPY

5.The Sub Registrar,  
Ambasamudram,  
Tirunelveli.

6.The Commissioner,  
Ambasamudram Municipality,  
Tirunelveli District.

7.The Member Secretary,  
Town and Country Planning Authority,  
Tirunelveli.

8.N.S.Subramaniyan  
9.N.S.Chandrasekaran

... Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachment in the Ananthakulam Pond, cancel the patta, layout permission and enquire the documents in the layout namely 'Sri Annamalai Nagaar' situated at S.Nos.201, 202/A, 207/C, 208, 210 in Mela Ambasamudram Village, Ambasamudram Taluk, Tirunelveli District based on the petitioner's representation dated 10.12.2021.

For Petitioner : Mr.T.Selvan

For R1 to R5 : Mr.P.Thilak Kumar,  
Government Pleader

**Page 2 of 6**



W.P.(MD) No.27257 of 2022

WEB COPY

## **ORDER**

**[Order of the Court was made by R.MAHADEVAN, J.]**

This Writ Petition is filed for issuance of Writ of Mandamus, directing the respondents 1 to 7 to remove the encroachment made in the Ananthakulam Pond and to cancel the patta, layout permission and enquire the documents in the layout, namely, 'Sri Annamalai Nagaar', situated at S.Nos.201, 202/A, 207/C, 208, 210 in Mela Ambasamudram Village, Ambasamudram Taluk, Tirunelveli District based on the petitioner's representation dated 10.12.2021 within a time frame.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents 1 to 5. Considering the nature of order proposed to be passed in this Writ Petition, notice to the respondents 6 to 9 is dispensed with.

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

**Page 3 of 6**



W.P.(MD) No.27257 of 2022

WEB COPY

4. According to the petitioner, as per the revenue records, the lands in question are classified as Pond. The respondents 8 and 9 made encroachment upon the pond in question and by using the patta granted in favour of them, obtained approval for layout, namely, Sri Annamalai Nagar. Therefore, the petitioner made a representation dated 10.12.2021 to the respondents 1 to 7, seeking removal of the same. Finding inaction on the part of the official respondents, the petitioner has filed this Writ Petition.

5. The learned Government Pleader for the respondents 1 to 5, on instructions, submitted that the representation of the petitioner dated 10.12.2021 would be considered on merits and appropriate action would be taken by the authorities concerned for removal of the encroachment, if any, in the pond in question, by following due process of law, within a time frame.

6. In view of the above, without going into the merits of the case, this Court directs the authorities concerned to consider the representation of the



W.P.(MD) No.27257 of 2022

petitioner dated 10.12.2021 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the pond in question, the same would be removed by the authorities concerned, after affording sufficient opportunity to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

**[R.M.D., J.] & [J.S.N.P., J.]**  
**02.12.2022**

Index : Yes / No  
Internet : Yes / No

*Myr*

To

1. The District Collector,  
Tirunelveli District,  
Tirunelveli.

2. Revenue Divisional Officer,  
Tirunelveli Division,  
Tirunelveli.

**Page 5 of 6**



WEB COPY



W.P.(MD) No.27257 of 2022

**R.MAHADEVAN, J.**

**AND**

**J.SATHYA NARAYANA PRASAD, J.**

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3.The Tahsildar,  
Taluk Office,  
Ambasamudram Taluk,  
Ambasamudram, Tirunelveli District.

4.The District Registrar,  
Tirunelveli Registration District,  
Tirunelveli.

5.The Sub Registrar,  
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**W.P.(MD)No.27257 of 2022**

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