



W.P.(MD)No.27453 of 2022

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.27453 of 2022

S.Sudarsan

... Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Tuticorin.

2.The Sub-Collector / Revenue Divisional Officer,
Tiruchendur,
Tuticorin District.

3.The Tahsildar,
Eral Taluk,
Tuticorin District.

4.Vembadymuthu

5.Sivalingam

6.Kalirethinam

7.Ulagammal

8.Manickam

... 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



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3 herein to remove the recent illegal encroachments made abutting the Sundarajapuram, Kurumbur Road, passing through Survey No. 9/1B and immediate eastern side of petitioner's property in Survey No.9/3A at Nazhumavadi Village, Tiruchendur Taluk, Tuticorin District, by considering petitioner's representations dated 13.09.2017, 02.02.2018 and 15.09.2021.

For Petitioner : Mr.J.David Ganesan

For Respondents 1 to 3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

This Writ Petition has been filed by the petitioner, seeking issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the recent illegal encroachments made abutting the Sundarajapuram, Kurumbur Road, passing through Survey No. 9/1B and immediate eastern side of his property in Survey No.9/3A at Nazhumavadi Village, Tiruchendur Taluk, Tuticorin District, by considering his representations dated 13.09.2017, 02.02.2018 and 15.09.2021.



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2. Heard Mr.J.David Ganesan, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional 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 respondents 4 to 8 is dispensed with.

4. Alleging that respondents 4 to 8 have made encroachments abutting Sundarajapuram, Kurumbur Road, passing through Survey No.9/1B and immediate eastern side of his property in Survey No.9/3A at Nazhumavadi Village, Tiruchendur Taluk, Tuticorin District, by putting up thatched temporary sheds, the petitioner submitted representations to the official respondents on 13.09.2017, 02.02.2018 and 15.09.2021, and the same, according to the learned counsel for the petitioner, remain as such. Hence, the Writ Petition.



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5. Learned Additional Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the authorities have already inspected the place in question and after survey, necessary would be done for removal of the encroachments, if any in the place in question.

6. Recording the said submission of the learned Additional Government Pleader appearing for the respondents 1 to 3, the Writ Petition stands disposed of with a direction to the 3rd respondent to conduct a survey in the place in question, after issuing notice to the petitioner, respondents 4 to 8 and any other parties concerned, and if there is any encroachment, necessary action shall be taken for removal of the same, 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 twelve weeks from the date of receipt of a copy of this order. No costs.

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

Internet : Yes / No
Index : Yes / No
sj



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To

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and

J.SATHYA NARAYANA PRASAD, J.

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