



W.P(MD)No.27585 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.12.2022

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.27585 of 2022

and

WMP(MD)Nos.21683 and 21685 of 2022

1. Muthukumar
2. Deepa
3. Mohana Sundarraaj
4. Mahalakshmi
5. Selvaraj
6. Kabali
7. Ganesan
8. Saravanan
9. N.Govindaraj
10. Ulaganathan
11. M.Govindaraj
12. Vignesh
13. Latha
14. Jayasakthivel
15. Muralidharan

... Petitioners

vs.

1. The District Collector,
Thanjavur.



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2. The Commissioner,
Thanjavur City Municipal Corporation,
Thanjavur.

3. The Revenue Divisional Officer,
Thanjavur.

4. The Tahsildar,
Thanjavur.

5. The Assistant Engineer,
Tamil Nadu Generation and Distribution Corporation Limited,
Thanjavur. ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the respondents from in any manner evicting the petitioners or dispossessing the petitioners or demolishing from the residential houses of the petitioners in T.S.Nos.1603/1 and 1603/2 of Karunthattankudi Village, Thanjavur Taluk and District.

For Petitioners	: Mr.G.Prabhu Rajadurai for Mr.AL.Ganthimathi
For R1, R3 & R4	: Mr.P.Thilakkumar Government Pleader
For R2	: Mr.N.Dilipkumar, Standing Counsel
For R5	: Mr.S.Deenadhayalan



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ORDER

(Order of the Court was made by D.KRISHNAKUMAR, J.)

The petitioners have filed this writ petition for issuance of a Writ of Mandamus, forbearing the respondents from in any manner evicting or dispossessing them from their residential houses or demolishing their residential houses in T.S.Nos.1603/1 and 1603/2 of Karunthattankudi Village, Thanjavur Taluk and District.

2. It is the case of the petitioners that the 2nd respondent Corporation had made an attempt to evict the petitioners from their residential houses in the aforesaid survey numbers without following due process of law. Therefore, they have filed this writ petition.

3. Mr.N.Dilip Kumar, learned standing counsel who takes notice for the 2nd respondent Corporation, on instructions, submitted that the petitioners 1, 4 and 6 are only the encroachers in T.S.No. 1603/1 and the other petitioners have not encroached upon the lands in T.S.No.1603/1. As far as T.S.No.1603/2 is concerned, learned



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standing counsel submitted that it is a road and the encroachers therein already vacated the said place and a road has been laid in the said survey number.

4. Mr.M.Mahendran, Assistant Engineer, Planning, Thanjavur City Municipal Corporation, who is present before this Court, has produced a field map relating to T.S.Nos.1603/1 and 1603/2 and adjacent survey numbers. He submitted that T.S.No.1603/1 is classified as Kulam Government Poramboke.

5. In view of the above submissions made by the learned standing counsel for the 2nd respondent as well as the Assistant Engineer, Planning, Thanjavur City Municipal Corporation, who is present before this Court, we direct the respondents to remove the encroachments put up by the petitioners 1, 4 and 6 in T.S.No.1603/1, by due process of law as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order.



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6. The submission of the learned standing counsel for the 2nd respondent that the land in T.S.No.1603/2 is a road is stoutly disputed by the learned counsel for the petitioners. Since according to the learned standing counsel, the encroachers already vacated the land in T.S.No.1603/2, it is open to the petitioners to approach the authorities concerned for appropriate remedy.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed. The appearance of the Assistant Engineer, Planning, Thanjavur City Municipal Corporation is dispensed with.

[D.K.K.,J.] & [R.V.,J.]
06.12.2022

Index : Yes / No
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To

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R.VIJAYAKUMAR, J.

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