



W.P.(MD) No.29002 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.29002 of 2022

Isakki Asari

... Petitioner

-Vs-

1.The District Collector,
Thoothukudi, Thoothukudi District.

2.The Tahsildar,
The Tahsildar Office,
Sathankulam, Thoothukudi District.

3.The Executive Officer,
Sathankulam (Selection Grade) Town Panchayat,
Sathankulam, Thoothukudi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents, their agents, subordinates and men from evicting the petitioner from peaceful possession of the petitioner's property in Survey No.1/209, situated at Thatchanmozhi Village, Sathankulam

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Taluk, Thoothukudi District without adhering to the due process of law by considering the petitioner's representation dated 29.11.2022.

For Petitioner : Mr.S.Muthumalairaja

For Respondents : Mr.P.Thilak Kumar,
Government Pleader

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This Writ Petition is filed for issuance of a Writ of Mandamus, forbearing the respondents, their agents, subordinates and men from evicting the petitioner from his peaceful possession of the property in Survey No.1/209, situated at Thatchanmozhi Village, Sathankulam Taluk, Thoothukudi District without adhering to due process of law by considering the petitioner's representation dated 29.11.2022.

2.Mr.P.Thilak Kumar, learned Government Pleader takes notice for the respondents.



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

4.Today, when the matter was taken up for hearing, the learned Government Pleader for the respondents, on instructions, submitted that necessary survey would be conducted in the property in question by the authorities concerned, after issuing notice to all the parties concerned and if the survey reveals any encroachment in the property in question, the same would be removed by the authorities concerned by following due process of law.

5.In view of the above, without going into the merits of the case, we direct the authorities concerned to conduct a survey in the property in question, after issuing notice to all the parties concerned and if there is any encroachment identified in the property in question, the same would be removed by the authorities concerned, after providing sufficient opportunity to all the parties concerned and by following due process of law, as early 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.With the above direction, this Writ Petition stands disposed of. No costs.

[D.K.K., J.] & [R.V., J.]
23.12.2022

Index : Yes / No
Internet : Yes / No

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To

- 1.The District Collector,
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