



W.P.(MD) No.1608 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1608 of 2023

and

W.M.P.(MD)No.1460 of 2023

Murugesan

... Petitioner

-Vs-

1.The District Collector,

Ramanathapuram District,

Ramanathapuram.

2.The Divisional Engineer (Highways),

Construction and Maintenance,

Ramanathapuram District, Ramanathapuram.

3.The Assistant Divisional Engineer (Highways),

Office of the Divisional Engineer (Highways),

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Construction and Maintenance,
Mudukulathur, Ramanathapuram District.

4.The Assistant Engineer (Highways),
Construction and Maintenance,
Sayalkudi, Ramanathapuram District.

5.The Tahsildar,
Kadaladi Taluk, Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent to issue notice to the petitioner enabling him to make objections before taken steps to remove the encroachment in Survey No.302/3A1B, situated at Naripaiyur Village, Kadaladi Taluk, Ramanathapuram District, based on the representation given by the petitioner dated 16.12.2022 in a time bound manner.

For Petitioner : Mr.V.Boominathan

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate



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ORDER

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

This Writ Petition is filed seeking issuance of a Writ of Mandamus, directing the 3rd respondent to issue notice to the petitioner, enabling him to make objections before taking any steps to remove the encroachment made in Survey No.302/3A1B, situated at Naripaiyur Village, Kadaladi Taluk, Ramanathapuram District, based on the representation given by the petitioner dated 16.12.2022 in a time bound manner.

2.Mr.V.Nirmal Kumar, learned Government Advocate takes notice for the respondents.

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

4.According to the petitioner, he purchased the property in Survey No.302/3A1B in the year 2014. From the date of purchase, he is in possession

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and enjoyment of the property in question and patta was also issued. When the matter stood thus, the 3rd respondent removed the encroachment made in Survey No.368/9, after issuing to the encroachers, who are the neighbours of the petitioner. Therefore, the petitioner made a representation dated 16.12.2022 to the respondents in person, requesting them to issue notice to the petitioner before taking any steps to remove the encroachment made in the property in question, enabling him to make objections. Since the same has not been considered so far, the petitioner has approached this Court with the aforesaid prayer.

5.A perusal of the typed set of papers filed in support of this Writ Petition clearly shows that the petitioner is the owner of the property in question. If the petitioner is found to be an encroacher, the authorities concerned shall remove the same only after issuing notice to the petitioner and by following due process of law.



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6. With the above observation, this Writ Petition stands disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.] & [R.V., J.]
30.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR

To

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Divisional Engineer (Highways),
Construction and Maintenance,
Ramanathapuram District, Ramanathapuram.
3. The Assistant Divisional Engineer (Highways),
Office of the Divisional Engineer (Highways),
Construction and Maintenance,
Mudukulathur, Ramanathapuram District.

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4.The Assistant Engineer (Highways),
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