



W.P(MD)No.624 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2023

CORAM :

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P(MD)No.624 of 2023
and
WMP(MD)No.624 of 2023

Ramamoorthy

... Petitioner

vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Tahsildar,
Ettaiyapuram,
Thoothukudi District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, forbearing the 2nd respondent not to interfere in the peaceful possession and enjoyment of the petitioner's property in old Survey No. 152 and new Survey No.360/15, to an extent of 142.3 sq. meter situated at Chinnamalai Kundru Village, Ettayapuram Taluk, Thoothukudi District,



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based on the petitioner's representations dated 23.07.2021 and 23.12.2022 within the stipulated period by this Court.

For Petitioner : Mr.G.Radhakrishnan
For Respondents : Mr.P.Thilak Kumar, Government Pleader

ORDER

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

The prayer in the writ petition is for issuance of a Writ of Mandamus, forbearing the 2nd respondent not to interfere in the peaceful possession and enjoyment of the petitioner's property in old Survey No. 152 and new Survey No.360/15, to an extent of 142.3 sq. meters situated at Chinnamalai Kundru Village, Ettayapuram Taluk, Thoothukudi District, based on the petitioner's representations dated 23.07.2021 and 23.12.2022 within a time frame.

2. Learned Government Pleader appearing for the respondents has produced the relevant extract of Adangal Register, and submitted that the property in Survey No.360/15 has been



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classified as 'street' and therefore, the petitioner cannot have any shelter based on the execution of partition deed entered into between the family members in respect of the said property. He further submitted that the respondents are proceeding with removal of encroachments in the place in question by issuing notice to the persons concerned following due process of law.

3. Learned counsel for the petitioner submitted that the respondents have not issued any notice or granted opportunity to the petitioner before proceeding with removal of encroachment in the place in question.

4. Recording the aforesaid submissions, the respondents are directed to issue notice to the petitioner and provide sufficient opportunity and thereafter pass final orders for removal of encroachment, if the explanation of the petitioner is not satisfied. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No
Index : Yes / No
Internet : Yes
bala

[D.K.K.,J.] & [L.V.G.,J.]
08.02.2023

To

1. The District Collector,
Thoothukudi District,
Thoothukudi.

2. The Tahsildar,
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D.KRISHNAKUMAR, J.
and
L.VICTORIA GOWRI, J.

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ORDER MADE IN
W.P(MD)No.624 of 2023
DATED : 08.02.2023