



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2023

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CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR**

W.P.(MD) No.2139 of 2023

A.Chinnadurai

... Petitioner

-VS-

- 1.The District Collector,
O/o.District Collector,
Tuticorin District.
- 2.The Revenue Divisional Officer,
O/o.Revenue Divisional Office,
Tiruchendur,
Tuticorin District.
- 3.The Tahsildar,
Taluk Office,
Eral Taluk,
Tuticorin District.
- 4.The Executive Engineer,
Public Works Department (Water Resources),
Thamirabarani Distribution Circle,
Tirunelveli.
- 5.The Assistant Executive Engineer,
Public Works Department,
Srivaikundam,
Tuticorin District.



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6.The President,
Vellamadam Panchayath,
Nazareth Post,
Eral Taluk,
Tuticorin District.

7.Muppili Doss
8.Arunachalam
9.Avudayappan
10.Ramaiah
11.Karuppaiah Konar
12.Ponsamy
13.Saraswathi
14.Thangaraj
15.Pooludayar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 herein to remove the encroachment made in Survey Nos. 322/10, 44, 45, 49a, 49B and 49C at Thenkaraikulam bund by the private respondents 7 to 15 by conducting enquiry based on the representation dated 05.01.2023 and pass appropriate orders.

For Petitioner : Mr.S.Siva Thilakar

For RR 1 to 5 : Mr.K.Balasubramani
Special Government Pleader

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 5 herein to remove the



encroachment made in Survey Nos.322/10, 44, 45, 49a, 49B and 49C at Thenkaraikulam bund by the private respondents 7 to 15 by conducting enquiry based on the representation dated 05.01.2023

2. Seeking removal of encroachment made by the respondents 7 to 15, the petitioner made a representation, dated 05.01.2023 to the official respondents. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

3. The learned Special Government Pleader appearing for the respondents 1 to 5 submitted that the representation of the petitioner, dated 05.01.2023 will be disposed of by the official respondents in accordance with law within a time frame.

4. In view of the abovesaid submissions, without going into the merits of the claim made by the petitioner, the authorities concerned are directed to consider the representation of the petitioner, dated 05.01.2023 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and all other parties, the authorities concerned shall take necessary action for removal of the



encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned including the respondents 7 to 15 and by following due process of law, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

[T.R., A.C.J.] [D.K.K., J.]
03.02.2023

NCC : Yes / No
Index : Yes / No
Internet: Yes / No
vsm/ps



W.P.(MD) No.2139 of 2021



To

- 1.The District Collector,
O/o.District Collector,
Tuticorin District.
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O/o.Revenue Divisional Office,
Tiruchendur,
Tuticorin District.
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W.P.(MD) No.2139 of 2023:

T.RAJA, A.C.J.
and
D.KRISHNAKUMAR, J.

vsm/ps

ORDER MADE IN
W.P.(MD) No.2139 of 2023

DATED : 03.02.2023