



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.2140 of 2023

1.A.Chinnadurai
2.S.Perumal Nadar

... Petitioners

-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.S.Jamin Raj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the encroachment made in Survey No. 322/16 by the fourth respondent by conducting enquiry based on the representations dated 27.12.2022 and 31.12.2022 of the petitioners and pass appropriate orders.



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W.P.(MD) No.2140 of 2022



For Petitioners : Mr.S.Siva Thilakar

For RR 1 to 3 : 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 3 herein to remove the encroachment made in Survey No.322/16 by the fourth respondent by conducting enquiry based on the representations of the petitioners, dated 27.12.2022 and 31.12.2022.

2. Seeking removal of encroachment made by the fourth respondent, the petitioners made representations, dated 27.12.2022 and 31.12.2022 to the official respondents. Since the same have not been considered so far, the petitioners have filed the present Writ Petition.

3. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the representations of the petitioners, dated 27.12.2022 and 31.12.2022 will be disposed of by the official respondents in accordance with law within a time frame.



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4. In view of the abovesaid submissions, without going into the merits of the claim made by the petitioners, the authorities concerned are directed to consider the representations of the petitioners, dated 27.12.2022 and 31.12.2022 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioners, after issuing notice and conducting survey in the presence of the petitioners 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 fourth respondent 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.2140 of 2021

To

- 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.



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W.P.(MD) No.2140 of 2023:

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

vsm/ps

ORDER MADE IN
W.P.(MD) No.2140 of 2023

DATED : 03.02.2023