



W.P(MD)No.3730 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2023

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU**

W.P(MD)No.3730 of 2023

Kannan

... Petitioner

VS.

- 1.The District Collector,
Thoothukudi District.
- 2.The District Revenue Officer,
Thoothukudi District.
- 3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.
- 4.The Block Development Officer,
Karungulam,
Office situated at Seithunganallur,
Thoothukudi District.
- 5.The Taluk Surveyor,
Srivaikundam Taluk,
Thoothukudi District.
- 6.Kumar
- 7.Selvam
- 8.Mookkandi



W.P(MD)No.3730 of 2023

WEB CUM

9.The President,
Village Panchayat,
Karungulam,
Thoothukudi District.

... Respondents

(R – 9 impleaded vide order dated 23.02.2023
in W.P(MD)No.3730 of 2023)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 4 and 5 to implement the order of the third respondent passed in Na.Ka.No. 9265/2022, dated 19.10.2022 within the stipulated time fixed by this Court.

For Petitioner	: Mr.K.Rajeshwaran
For RR 1 to 3 & 5	: Mr.P.T.Thiraviyam Government Advocate
For RR 4 & 9	: Mr.M.Sarangan Additional Government Pleader

ORDER

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

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, directing the respondents 4 and 5 to implement the order of the third respondent passed in Na.Ka.No.9265/2022, dated 19.10.2022.



W.P(MD)No.3730 of 2023

WEB COPY

2. According to the petitioner, the property comprised in Survey No.513/16 is classified as a pathway. In the aforesaid land, the respondents 6 and 7 have constructed a compound wall and respondent No.8 constructed a septic tank. Hence, the petitioner submitted a representation dated 25.10.2022 to the official respondents. Based on the said representation, by proceedings in Na.Ka.No.9265/2022, dated 19.10.2022, the third respondent directed the fourth respondent to remove the encroachment found in Survey Nos.513/16 and 513/10 in Vasavappapuram Village, Srivaikundam Taluk, Thoothukudi District. Since the same has not been considered, the petitioner has filed the present Writ Petition.

3. The learned Additional Government Pleader submitted that the President, Village Panchayat, Karungulam, Thoothukudi District is the competent authority for removal of encroachment and the representation of the petitioner will be considered by the authority concerned, in accordance with law.



W.P(MD)No.3730 of 2023

WEB COPY

4.In view of the above said submission, the President, Village Panchayat, Karungulam, Thoothukudi District is suo motu impleaded as ninth respondent in the Writ Petition. Registry is directed to carry out necessary amendments in the Writ Petition.

5.Considering the submissions made on either side, without going into the merits of the claim made by the petitioner, the authorities concerned are directed to take action based on the representation of the petitioner, dated 25.10.2022 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice to all other parties, including the respondents 6 to 8, the ninth respondent shall take necessary action for removal of the encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.



W.P(MD)No.3730 of 2023

WEB COPY

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

[D.K.K.,J.] [P.D.A.,J.]
23.02.2023

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

To

- 1.The District Collector,
Thoothukudi District.
- 2.The District Revenue Officer,
Thoothukudi District.
- 3.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.
- 4.The Block Development Officer,
Karungulam,
Office situated at Seithunganallur,
Thoothukudi District.
- 5.The Taluk Surveyor,
Srivaikundam Taluk,
Thoothukudi District.
- 6.The President,
Village Panchayat,
Karungulam,
Thoothukudi District.

5/6



WEB COPY



W.P(MD)No.3730 of 2023

D.KRISHNAKUMAR,J.
and
P.D.AUDIKESAVALU,J.

ps

ORDER MADE IN
W.P(MD)No.3730 of 2023

DATED : 23.02.2023