



W.P.(MD) No.4481 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.03.2023

CORAM:

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

W.P.(MD) No.4481 of 2023

Velkumar

... Petitioner

-VS-

1.The District Collector
Thoothukudi District
Thoothukudi

2.The Revenue Divisional Officer
Tiruchendur, Thoothukudi District

3.The Tahsildar
Tiruchendur Taluk
Thoothukudi District

4.The Commissioner
Tiruchendur Municipality
Thoothukudi District

5.Vanniyaperumal

... Respondents



W.P.(MD) No.4481 of 2023

WEB

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the Wall constructed by the fifth respondent in Survey No.349/1A1C and 349/1A2B1, common pathway situated at Anbu Nagar and Thentral Nagar, Kumarapuram Village, Tiruchendur Taluk, Thoothukudi District, on the basis of the representations dated 13.01.2023.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mr.P.Thilak Kumar
Government Pleader for R1 to R3

ORDER

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

Mr.P.Thilak Kumar, learned Government Pleader, takes notice for the respondents 1 to 3.

2. Since the writ petition is disposed of at the admission stage itself and in view of the nature of the order proposed to be passed, notice to the respondents 4 & 5 is dispensed with.



W.P.(MD) No.4481 of 2023

WEB COPY

3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. One Velkumar, son of Arumugam, has filed this writ petition, under Article 226 of the Constitution, for issuance of a writ of mandamus to direct the respondents 1 to 4 to remove the wall constructed by the fifth respondent in survey Nos.349/1A1C and 349/1A2B1, a common pathway, situated at Anbu Nagar and Thentral Nagar, Kumarapuram Village, Tiruchendur Taluk, Thoothukudi District, on the basis of his representation dated 13.01.2023.

5. Today, when the matter was taken up for hearing, learned Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the petitioner's representation, dated 13.01.2023 would be considered and appropriate action would be taken, in accordance with law.

6. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 4 are directed to consider the petitioner's representation dated 13.01.2023 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment in the



W.P.(MD) No.4481 of 2023

subject land as pointed out by the petitioner, the same shall be removed, after giving due notice and sufficient opportunity to all the parties concerned and by following due process of law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is disposed of. No costs.

[T.R., A.C.J.] [D.K.K., J.]
02.03.2023

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

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To:

- 1.The District Collector,
Thoothukudi District,
Thoothukudi.
- 2.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.
- 3.The Tahsildar,
Tiruchendur Taluk,
Thoothukudi District.



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W.P.(MD) No.4481 of 2023

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

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W.P.(MD) No.4481 of 2023

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