



W.P.(MD)No.6266 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.6266 of 2023

and

W.M.P(MD)No.5952 of 2023

Thangakani

: Petitioner

Vs.

1.The District Collector,
Tuticorin District,
Collectorate,
Karampallam
Tuticorin.

2.The Commissioner,
Tuticorin Corporation,
Tuticorin.

3.The Tahsildar,
Toovipuram,
Tuticorin.

: Respondents



W.P.(MD)No.6266 of 2023

WEB COPY

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the respondents not to evict and demolish the petitioner's house bearing Door No.3/211-D, Durai Kani Nagar, South Madathur Village, Turicorin District other than the due process of law.

For Petitioner : Mr.V.Essaki Rajasekaran

For Respondents : Mr.S.P.Maharajan
Spl. Govt. Pleader for R1 and R3

Mr.N.Anandkumar
Standing Counsel for R2

ORDER

(Order of the Court was made by R.SUBRAMANIAN, J)

The petitioner seeks for issuance of a Writ of Mandamus directing the respondents not to evict him and demolish his house bearing Door No. 3/211-D, Durai Kani Nagar, South Madathur Village, Turicorin District other than the due process of law.



W.P.(MD)No.6266 of 2023

WEB COPY

2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 and 3. Mr.N.Anandkumar, learned Standing Counsel takes notice for the second respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner apprehends that he would be evicted forcibly by the respondents without adhering to the requirements of law.

4.The learned Standing Counsel appearing for the second respondent Municipal Corporation would submit that the Corporation is taking steps to remove the encroachments in S.No.1593/1. It is yet to identify the petitioner as encroacher of the said survey number.

5.In any event, since the petitioner's occupation has been recognized by the respondent Corporation by issuing house tax receipts, a Mandamus is issued forbearing the respondents from evicting the petitioner except by following due process of law.



W.P.(MD)No.6266 of 2023

WEB COPY 6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] & [B.P., J.]
23.03.2023

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

To
1. The District Collector,
Tuticorin District,
Collectorate,
Karampallam
Tuticorin.

2. The Tahsildar,
Toovipuram,
Tuticorin.



WEB COPY



W.P.(MD)No.6266 of 2023

R.SUBRAMANIAN., J

AND

B.PUGALENDHI., J

skn

**W.P.(MD)No.6266 of 2023
and
W.M.P(MD)No.5952 of 2023**

23.03.2023