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W.P.(MD)NO.8867 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.8867 of 2023

S.Amalraj

... Petitioner

Vs.

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The District Revenue Officer,
Kovilpatti,
Thoothukudi District.
3. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
4. The Tahsildar,
Kovilpatti,
Thoothukudi District.
5. A/m Ayyanar Koil,
Rep. by its Executive Officer,
Ayyadurai,
Aundipatti Village, Ilayanenthal Post,
Kovilpatti Taluk,
Thoothukudi District.



6. Ayyadurai

7. P.Ayyamuthu

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 7 in the Government Poramboke Kanmai to an extent of 1465 sq. meter in 27.19.50 Hectares in Survey No.62/2B, situated Alampatti Village, Ilayanenthal Post, Kovilpatti Taluk, Thoothukudi District, based on the petitioner's representation dated 29.03.2023 within the time stipulated by this Court.

For Petitioner : Ms.M.Maria Vinola

For R-1 to R-4 : Mr.K.Balasubramani,
Special Government Pleader.

For R-5 to R-7 : No appearance.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Special Government Pleader appearing for respondents 1 to 4.



2. Notice has been served on the respondents 5 to 7. However, they have not chosen to enter appearance.

3. The learned counsel appearing for the petitioner clarified that the petitioner is essentially concerned with pathway rights. This is being obstructed by erection of fencing which has been recently put up. The religious structures appear to have come up some 40 years ago. The report of the Tahsildar, Kovilpatti, is to that effect.

4. We direct the official respondents to remove the fencing put up by the fifth respondent so that the petitioner's access rights are taken care. The Tahsildar also shall ensure that no further construction is put up in the petition mentioned water body. The exercise of removing the fencing shall be done forthwith and without any delay. This writ petition stands allowed on these terms. No costs.

(G.R.SWAMINATHAN, J.) & (B.PUGALENDHI, J.)

8th JUNE 2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
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To:

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Thoothukudi.
2. The District Revenue Officer,
Kovilpatti,
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3. The Revenue Divisional Officer,
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4. The Tahsildar,
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