



W.P.(MD) No.13576 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.06.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.P.(MD) No.13576 of 2023
and
W.M.P.(MD) No.11453 of 2023**

Jebastine Alex

... Petitioner

-VS-

1. The District Collector,
Tirunelveli District.
2. The Tahsildar,
Radhapuram Taluk, Tirunelveli District.
3. The Executive Officer,
Special Grade Town Panchayat,
North Valliyoor, Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus forbearing the 2nd and 3rd respondents from interfering into his enjoyment and occupation of his property where he is running the business in the name and style of Anitha Readymade at Yadhava South Street, Valliyoor,



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Tirunelveli District as per the report of Firka Surveyor, Department of Survey, Tirunelveli District dated 25.07.2022 and in that light of his representation dated 03.05.2023 .

For Petitioner : Mr.R.Anand

For Respondents : Mr.V.Nirmal Kumar
Government Advocate for R1 & R2
Mr.H.Arumugam for R3

ORDER

[Order of the Court was made by R.SUBRAMANIAN, J.]

Mr.V.Nirmal Kumar, learned Government Advocate, takes notice for the respondents 1 and 2 and Mr.H.Arumugam, learned counsel takes notice for the third respondent.

2. With the consent of both sides, the writ petition is taken up for final hearing at the admission stage itself.

3. The petitioner seeks a mandamus forbearing the respondents from interfering with the enjoyment and occupation of his property situate at Yadhava South Street, Valliyoor, Tirunelveli.



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4. The learned counsel for the petitioner would rely upon the report of the Firka Surveyor dated 25.07.2022, which shows that the petitioner has not encroached upon the road or the drainage as claimed by the respondent Town Panchayat.

5. Mr.H.Arumugam, learned counsel appearing for the third respondent Town Panchayat would submit that the encroachment was by putting up a shelf outside the shop over the drainage thereby preventing easy flow of water. He would also state that the petitioner himself has removed the encroachment on 04.05.2023.

6. Recording the aforesaid statement, the writ petition is dismissed as unnecessary. No costs. Consequently, the connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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