



W.P.(MD) No.23286 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2023

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR
and
THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

**W.P.(MD) No.23286 of 2023
and
W.M.P.(MD) No.19494 of 2023**

S.Jeyaram

... Petitioner

-VS-

1.The District Collector
Virudhunagar District
Virudhunagar

2.The Tahsildar
Taluk Office
Watrap Taluk
Virudhunagar District

3.The Block Development Officer
Watrap Panchayat Union
Watrap, Virudhunagar District

4.The President
Kunnoor Panchayat
Watrap Taluk
Virudhunagar District

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus forbearing the respondents 3 & 4 from evicting the petitioner and his Sundar Broiler Chicken Shop from S.F.No.613, situated in Kunnoor Village, Watrap Taluk, Virudhunagar District, based on the petitioner's representation dated 15.09.2023.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 & R2
Mr.M.Lingadurai
Special Government Pleader for R3 & R4

ORDER

[Order of the Court was made by S.S.SUNDAR, J.]

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents 1 & 2 and Mr.M.Lingadurai, learned Special Government Pleader, takes notice for the respondents 3 & 4.

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



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3. The petitioner has filed this writ petition for issuance of a writ of mandamus forbearing the respondents 3 & 4 from evicting him and removing his Chicken Shop from S.F.No.613 of Kunnoor Village, Watrap Taluk, Virudhunagar District, based on his representation dated 15.09.2023.

4. The petitioner states that he is running a Chicken Shop, by name, Sundar Broiler Shop in S.F.No.613 of Kunnoor Village, Watrap Taluk, Virudhunagar District. Though, according to the petitioner, the extent of the shop is only 110 sq.ft., the photographs produced by him show that a temporary structure has also been put up by him in the subject land. It is the case of the petitioner that at the instance of one Palchamy, who claimed ownership earlier, the respondents are taking action to evict him from the place in dispute. However, the petitioner himself admits that he has occupied the Government poramboke land.

5. In such circumstances, this Court cannot grant any order, which is in the nature of injunction restraining the respondents from initiating any action to evict the petitioner from the Government property. Therefore, the respondents are directed to initiate action for removal of encroachment, if it is objectionable, following due process of law.



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6. With the above observation and direction, this writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.]

[D.B.C., J.]

25.09.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Tahsildar,
Taluk Office,
Watrap Taluk,
Virudhunagar District.
- 3.The Block Development Officer,
Watrap Panchayat Union,
Watrap,
Virudhunagar District.
- 4.The President,
Kunnoor Panchayat,
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