



W.P.(MD) No.1045 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.1045 of 2024

E.Mahudunan

... Petitioner

-Vs-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.

3.The Tahsildar,
Manur Taluk,
Manur, Tirunelveli District.

4.Muthiah

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents forthwith to remove the encroachments made by the fourth respondent in the Government poramboke

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land comprised in Survey No.168 situated at Kurichikulam Panchayat, Manur Taluk, Tirunelveli District.

For Petitioner : Mr.P.Suresh
For R1 to R3 : Mr.V.Nirmalkumar
Government Advocate

ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

This writ petition has been filed seeking to remove the encroachments made by the fourth respondent in the Government poramboke land comprised in Survey No.168 situated at Kurichikulam Panchayat, Manur Taluk, Tirunelveli District.

2.The grievance of the petitioner is that the land in Survey No.168 measuring an extent of 3 hectares and 46.5 ares situated at Kurichikulam Panchayat, Manur Taluk, Tirunelveli District is the Government land. In the revenue records, it is classified as Government Poramboke and Karuppasamy Temple. The fourth respondent encroached upon this property. When the petitioner as a Village President asked the fourth respondent to remove the encroachment, the fourth respondent refused to remove the same. Hence, the



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petitioner along with the other village people made several representation to survey the property and to remove the encroachment made by the fourth respondent in the subject property. Since no action has been taken, the petitioner has approached this Court with the present writ petition.

3.The learned counsel for the petitioner submits that the petitioner would be satisfied if a a direction is issued to the respondents to consider the petitioner's representation dated 29.11.2023.

4.No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, as well as any other necessary party, whom the respondents deems fit to enquire.

5.Considering the above said submissions, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to consider the petitioner's representation dated 29.11.2023 and pass appropriate orders, on merits and in accordance with law after affording a fair hearing to the petitioner,



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as well as any other necessary party, within a period of twelve [12] weeks from the date of receipt of a copy of this order. It is further directed that the respondents shall conduct necessary survey in the petition mentioned property.

6. With the above directions, this writ petition is disposed of. No costs.

[D.K.K., J.] & [R.V., J.]
26.02.2024

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

1. The District Collector,
Tirunelveli District,
Tirunelveli.
2. The Revenue Divisional Officer,
Tirunelveli,
Tirunelveli District.
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