



W.P.(MD) No.1234 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD) No.1234 of 2024

1.Murugan

2.Selvan

3.JeyaSekar

... Petitioners

-VS-

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

3.The Block Development Officer,
Valliyoor Panchayat Union,
Tirunelveli District.

4.The President,
Chettikulam Village Panchayat,



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WEB COPY Radhapuram Taluk,
Tirunelveli District.

5.Raghuram

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 2 and 4 to remove the encroachment made by the 5th respondent in S.No. 663/2 and 663/4 of Chettikulam village, Radhapuram Taluk, Tirunelveli District and retrieve back the same to the Chettikulam Village Panchayat for the public purposes within the time to be stipulated by this Court.

For Petitioners : Mr.M.Maharaja

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 & R2

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 2 and 4 to remove the encroachment made by the 5th respondent in S.No. 663/2 and 663/4 of Chettikulam Village, Radhapuram Taluk, Tirunelveli District and retrieve back the same to the Chettikulam Village Panchayat for the public purposes within a time frame.



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2. By consent of both sides, the Writ Petition is taken up for final hearing at the time of admission itself. Considering the nature of the order proposed to be passed in this Writ Petition, protecting the interests of the respondents 3 to 5 also, notice to the respondents 3 to 5 is dispensed with.

3. According to the petitioners, the fifth respondent has encroached upon the panchayat land in S.No. 663/2 and 663/4 of Chettikulam Village, Radhapuram Taluk, Tirunelveli District, and put up a compound wall. Therefore, they have made a representation dated 27.11.2023 to the official respondents to take action against the illegal encroachment made by the 5th respondent and since the same has not considered so far, the petitioners are constrained to approach this Court by filing the present Writ Petition.

4. According to the learned counsel for the petitioners, the petitioners would be satisfied if a direction is issued to the respondents 2 and 4 to consider the representation of the petitioners dated 27.11.2023 on merits and in accordance with law.



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5. Considering the limited scope of the prayer now sought for by the petitioner, without going into the merits of the claim made by the petitioner either in the Writ Petition or in the representation, this Court directs the respondents 2 and 4 to consider the representation of the petitioners dated 27.11.2023 and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order, after providing opportunity of hearing to the petitioner, 5th respondent and any other parties concerned.

6. With the aforesaid directions, the Writ Petition stands disposed of.

No costs.

[D.K.K., J.] [R.V., J.]
22.01.2024

Index : Yes / No
Internet : Yes / No
SJ

To

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

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- 3.The Block Development Officer,
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