



W.P.(MD) No.1397 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2024

CORAM:

THE HONOURABLE **MR.JUSTICE D.KRISHNAKUMAR**

AND

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)No.1397 of 2024

and

W.M.P.(MD)No.1436 of 2024

S.Suburayalu

... Petitioner

-Vs-

1.The District Collector,
Thoothukudi District, Thoothukudi.

2.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

3.The Tahsildar,
Tiruchendur Taluk, Thoothukudi District.

4.The Commissioner,
Tiruchendur Municipality,
Thoothukudi District.

5.Velkumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 4th respondent in connection with the impugned eviction order passed by him vide his

Page 1 of 6



W.P.(MD) No.1397 of 2024

proceedings in Na.Ka.No.199/2023/F1, dated 18.01.2024 and quash the same as illegal, arbitrary and violation of principles of natural justice and thereby, direct the 4th respondent to take appropriate action against the land promoters for selling house and house sites nearby Anbu Nagar, Thiruchendur, Thoothukudi District without getting approval for their layouts from the Director of Town and Country Planning or local bodies.

For Petitioner : Mr.G.Thalaimuthurasu
For R1 to R3 : Mr.S.P.Maharajan,
Special Government Pleader
For R4 : Mr.H.Arumugam, Standing Counsel

ORDER

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

This Writ Petition is filed challenging the eviction order dated 18.01.2024 passed by the 4th respondent with a consequential direction to the 4th respondent to take appropriate action against the land promoters for selling house and house sites nearby Anbu Nagar, Thiruchendur, Thoothukudi District without getting approval for their layouts from the Director of Town and Country Planning or local bodies.

2.By consent of both parties this Writ Petition is taken up for final disposal at the stage of admission itself.



W.P.(MD) No.1397 of 2024

WEB COPY

3.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 to 3 and Mr.H.Arumugam, learned Standing Counsel takes notice for the 4th respondent. Considering the nature of order going to be passed in this Writ Petition, notice to the 5th respondent is dispensed with.

4.The learned counsel appearing for the petitioner states that the 4th respondent, without providing any opportunity and without conducting any survey, passed the eviction order, which is impugned herein. Therefore, the same is liable to be quashed on the ground of violation of principles of natural justice. He further submitted that the 5th respondent has constructed his half of the house in the land in question.

5.The learned Special Government Pleader appearing for the respondents 1 to 3 strongly opposed this Writ Petition by stating that the land in question has been earmarked as public pathway as per the layout, which does not belong to the petitioner and the same is under the control of the Municipality and this writ petitioner has encroached upon the land in question and put up a compound wall thereon.



W.P.(MD) No.1397 of 2024

WEB COPY

6.In view of the said submission made by the learned Special Government Pleader, we are of the view that the petitioner cannot have any legal right for putting up any construction or compound wall in the land in question, by blocking others to utilise the same. Therefore, there is no merit in this Writ Petition, accordingly, it is dismissed. Insofar as the allegation made by the petitioner is concerned, the learned Standing Counsel appearing for the 4th respondent assures that if the 5th respondent is also an encroacher, necessary action will be taken against him. No costs. Consequently, connected miscellaneous petition is closed.

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

23.01.2024

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

Yuva

To

- 1.The District Collector,
Thoothukudi District, Thoothukudi.
- 2.The Revenue Divisional Officer,
Tiruchendur, Thoothukudi District.

Page 4 of 6



W.P.(MD) No.1397 of 2024

3.The Tahsildar,
Tiruchendur Taluk, Thoothukudi District.

WEB COPY



WEB COPY



W.P.(MD) No.1397 of 2024

D.KRISHNAKUMAR, J.

AND

R.VIJAYAKUMAR, J.

Yuva

W.P.(MD)No.1397 of 2024

23.01.2024