



W.P.(MD) No.1990 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2024

CORAM:

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

W.P.(MD) No.1990 of 2024

Shanmugaiah

... Petitioner

-VS-

1.The District Collector,
Thoothukudi District,
Thoothukudi.

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

3.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.

4.Poolpandi

5.Ponnuthai

6.Vellathai

... Respondents



W.P.(MD) No.1990 of 2024

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the illegal encroachment made by the respondents 4 to 6 in Survey Nos. 335/1 and 334/61 measuring to the extent of 12 cents in Panikkarkulam Village, Kayathar Taluk, Thoothukudi District on the basis of the 2nd respondent's proceedings in Na.Ka.Aa2/2691/2023, dated 12.04.2023, by considering the petitioner's representation dated 02.03.2023

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.S.P.Maharajan
Government Pleader for R1 to R3

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 1 to 3 to remove the illegal encroachment made by the respondents 4 to 6 in Survey Nos. 335/1 and 334/61 measuring to the extent of 12 cents in Panikkarkulam Village, Kayathar Taluk, Thoothukudi District on the basis of the 2nd respondent's proceedings in Na.Ka.Aa2/2691/2023, dated 12.04.2023, by considering the petitioner's representation dated 02.03.2023.



W.P.(MD) No.1990 of 2024

WEB COPY

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 4 to 6 also, notice to the respondents 4 to 6 is dispensed with.

3. According to the petitioner, respondents 4 to 6 have encroached upon the Government Poramboke land, measuring an extent of 12 cents in S.Nos. 335/1 and 334/61 of Panikkarkulam Village, Kayathar Taluk, Thoothukudi District, and put up unauthorized constructions. Therefore, he has made a representation dated 02.03.2023 to the 2nd respondent to take action against the illegal encroachment made by the respondents 4 to 6 and since the same has not considered so far, the petitioner is constrained to approach this Court by filing the present Writ Petition.

4. According to the learned counsel for the petitioner, the petitioner would be satisfied if a direction is issued to the 2nd respondent to consider the representation of the petitioner dated 02.03.2023 on merits and in accordance with law.



WEB COPY

W.P.(MD) No.1990 of 2024

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 2nd respondent to consider the representation of the petitioner dated 02.03.2023 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, respondents 4 to 6 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.]
01.02.2024

Index : Yes / No
Internet : Yes / No
SJ

To

1.The District Collector,
Thoothukudi District,
Thoothukudi.

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

Page 4 of 6



W.P.(MD) No.1990 of 2024

WEB COPY

3.The Tahsildar,
Kayathar Taluk,
Thoothukudi District.



WEB COPY



W.P.(MD) No.1990 of 2024

D.KRISHNAKUMAR, J.
and
R.VIJAYAKUMAR, J.

SJ

W.P.(MD) No.1990 of 2024

01.02.2024