



W.P.(MD) No.3164 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.02.2024

CORAM:

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

W.P.(MD) No.3164 of 2024

Nabiza Banu

... Petitioner

-VS-

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Commissioner of Panchayat Union,
Mandapam, at Uchipuli,
Ramanathapuram District.
- 3.The Thasildar,
Rameswaram Taluk,
Rameswaram,
Ramanathapuram District.
- 4.The Block Development Officer,
Mandapam Panchayat Union,
Mandapam at Uchipuli,
Ramanathapuram District.
- 5.The President,
Pamban Panchayat,



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Rameswaram Taluk,
Ramanathapuram District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 3rd Respondent to issue Form 6 and 7 notices to the encroachers and to remove the encroachment in the pathway measuring about 0.42.0 sq.m. in S.No.1098/2A49, which is in front of the petitioner's patta land in S.No.1098/2A48C situated at Pamban Village, Rameswaram Taluk, Ramanathapuram District in view of the proceedings of the 4th respondent in Na.Ka./A2/4242/2015 dated 23.11.2023 within a stipulated time by this Hon'ble Court.

For Petitioner : Ms.P.Kalaiyarasi Bharathi

For Respondents : Mr.T.Amjad Khan,
Government Advocate for R1 and R3

Mr.N.Satheeshkumar
Additional Government Pleader for R4

ORDER

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

This Writ Petition has been filed for a direction to the 3rd Respondent to issue Form 6 and 7 notices to the encroachers and to remove the encroachment



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in the pathway measuring about 0.42.0 sq.m. in S.No.1098/2A49, which is in front of the petitioner's patta land in S.No.1098/2A48C, situated at Pampan Village, Rameswaram Taluk, Ramanathapuram District in view of the proceedings of the 4th respondent in Na.Ka./A2/4242/2015, dated 23.11.2023, within a time frame.

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 5th respondent also, notice to the 5th respondent is dispensed with.

3. According to the petitioner, some persons have encroached upon the Cart Track in S.No.1098/2A49 of Pampan Village, Rameshwaram Taluk, Ramanathapuram District and constructed commercial shops. Though the 4th respondent vide his proceedings in Na.Ka./A2/4242/2015, dated 23.11.2023, has requested the third respondent to issue notices to the encroachers under Sections 7 and 6 of the Tamil Nadu Land Encroachment Act, 1905, and to remove the encroachments, no action has been taken sofar to remove the encroachments.



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Hence, the petitioner is constrained to approach this Court by filing the present Writ Petition.

4. Learned Government Advocate appearing for the respondents 1 to 3 on instructions stated that the aforesaid communication has been received by the third respondent Tahsildar and now enquiry is in process for taking action to remove the encroachments by following due process of law.

5. A perusal of the records would show that the aforesaid property is classified as Vandī Pathai. There is no contrary materials placed before this Court. The Government has Constituted Monitoring Committees under the Government Order issued in G.O.(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, 'LD.6(2)' Section, dated 08.02.2022, for monitoring removal of encroachments by following the procedures contemplated under the Tamil Nadu Land Encroachment Act, 1905.

6. In view of the submissions made by the learned Government Advocate appearing for the respondents 1 to 3 and since the third respondent has



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no problem in taking action for removal of encroachment pursuant to the communication of the fourth respondent, we direct the third respondent Tahsildar to consider the proceedings of the 4th respondent in Na.Ka./A2/4242/2015, dated 23.11.2023, and take action for removal of encroachments by following the procedures contemplated under the Tamil Nadu Land Encroachment Act, 1905 and the Rules framed thereunder. The third respondent is directed to complete the said exercise within a period of twelve weeks from the date of receipt of a copy of this order after providing opportunity of hearing to the aggrieved persons. The District Level Monitoring Committee headed by the first respondent District Collector shall monitor the removal of encroachments.

7. With the above directions, the Writ Petition stands disposed of.

No costs.

[D.K.K., J.] [R.V., J.]
14.02.2024

Index : Yes / No
Internet : Yes / No
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and
R.VIJAYAKUMAR, J.

SJ

To

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