



W.P.(MD) No.3189 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**

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P.Pon Sri Ram

... Petitioner

-VS-

1.The District Collector,
Thoothukudi,
Thoothukudi District.

2.The Revenue Divisional Officer,
Office of Revenue Divisional Officer,
Thiruchendur Taluk,
Thoothukudi District.

3.The Thasildar,
Thiruchendur Taluk,
Thoothukudi District.

4.Ramkumar

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st Respondent to consider the petitioner's representation dated 02.01.2024 and further to direct the 3rd



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respondent to remove the encroachments on poromboke land which bears the Survey No.865/20 situated in Udangudi village.

For Petitioner : Mr.J.Pandi Dorai

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 and R3

ORDER

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

This Writ Petition has been filed for a direction to the 1st Respondent to consider the petitioner's representation dated 02.01.2024 and further to direct the 3rd respondent to remove the encroachments on poromboke land, which bears the Survey No.865/20, situated in Udangudi village.

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 4th respondent also, notice to the 4th respondent is dispensed with.



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3. According to the petitioner, the 4th respondent has encroached upon the Government Poramboke Land in S.No.865/20 of Udankudi Village, Thiruchendur Taluk, Thoothukudi District and constructed commercial shops. Therefore, he has made a representation dated 02.01.2024 to the official respondents to take action against the illegal encroachment made by the 4th respondent 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 3rd respondent to consider the representation of the petitioner dated 02.01.2024 on merits and in accordance with law.

5. Further, 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.



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6. 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 3rd respondent to consider the representation of the petitioner dated 02.01.2024 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, 4th respondent and any other parties concerned and remove the encroachments, if any. 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
SJ



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