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W.P.(MD) No.6796 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

CORAM:

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

**W.P.(MD) No.6796 of 2021
and
W.M.P.(MD) Nos.5228 & 6366 of 2021**

P.Ponni

... Petitioner

-VS-

- 1.The District Collector
Tirunelveli District, Tirunelveli
- 2.The Commissioner
Tirunelveli City Municipal Corporation
Tirunelveli
- 3.The Assistant Commissioner
Palayamkottai Zone
Tirunelveli City Municipal Corporation
Tirunelveli
- 4.The Tahsildar
Palayamkottai Taluk
Tirunelveli
- 5.R.Subramanian
- 6.S.Balaraman

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 herein to remove the encroachment made by the respondents 5 and 6 in the survey No.1021 to the extent of 887 sq.ft., of the Government Poramboke land and take appropriate action against the respondents 5 and 6, by way of considering the petitioner's representation dated 20.02.2021 & 04.03.2021.

For Petitioner : Mr.M.Munnamalai

For Respondents : Mr.T.Amjad Khan
Government Advocate for R1, R3 & R4
Mr.S.P.Maharajan for R2
Mr.M.P.Senthil for R5 & R6

ORDER

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

Prayer in this writ petition is to direct the respondents 1 to 4 to remove the encroachment made by the respondents 5 and 6 in Survey No. 1021, measuring an extent of 887 sq.ft., of the Government Poramboke land and take appropriate action against the respondents 5 and 6, by way of considering the petitioner's representations dated 20.02.2021 & 04.03.2021.



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2. Today, when the matter was taken up for hearing, learned counsel appearing for the respondents 5 and 6, on instructions, fairly submits that there is no encroachment in the subject land and if the respondents 5 and 6 are found to have made any encroachment, as alleged by the petitioner, necessary action shall be taken against them for removal of encroachment. Apart from that, learned counsel for the respondents 5 and 6 seeks for survey of the entire property, including the petitioner's land and he undertakes that on survey, if any of the parties are found to have made encroachment, either of the parties will vacate the premises or otherwise, necessary action shall be taken for removal of encroachment in accordance with law, for which learned counsel for the petitioner has no objection.

3. In the light of the above statement of the learned counsel for the respondents 5 and 6, we direct the Tahsildar / fourth respondent to survey / measure the entire land in Survey No.1021 with the assistance of the Taluk Surveyor and if any encroachment is found, as undertaken by the learned counsel for the parties, they themselves shall vacate the premises or otherwise, the authority concerned shall take necessary action for removal of



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encroachments in the subject land, in accordance with law, after providing due opportunity to the parties concerned, within a period of twelve weeks from the date of receipt of a copy of this order.

4. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.]

[R.V., J.]

11.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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To:

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Assistant Commissioner,
Palayamkottai Zone,
Tirunelveli City Municipal Corporation,
Tirunelveli.
- 3.The Tahsildar,
Palayamkottai Taluk,
Tirunelveli.



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