



W.P.(MD) No.7437 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.03.2024

CORAM:

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

**AND**

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

W.P.(MD)No.7437 of 2024

and

W.M.P.(MD)No.14770 of 2021

M.Michealraj

... Petitioner

-Vs-

1.The District Collector,  
Thoothukudi District,  
Thoothukudi.

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

3.The Tahsildar,  
Kayathar,  
Thoothukudi.

4.S.Michealraj

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to remove the encroachment of the government lands situated in the survey numbers 148/1,



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148/2, 148/3, 148/4 and 148/5, Ettunaickenpatti, Kamanickanpatti Village, Thoothukudi District by considering the petitioner's representation dated 06.12.2023 within a stipulated time as prescribed by this Court.

For Petitioner : Mr.S.Saravanan  
For R1 to R3 : Mr.S.P.Maharajan  
Special Government Pleader

### **ORDER**

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

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 to 3. Considering nature of order going to be passed in this writ petition, notice to the fourth respondent is dispensed with.

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

3.Pointing out the encroachments made in the petition mentioned property, the petitioner made a representation dated 06.12.2023 to the respondents 1 to 3. Since the same has not been considered till date, the petitioner has approached this Court with the aforesaid prayer.



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4.The learned Government Pleader for the respondents 1 to 3, on instructions, submitted that the land in Survey No.148/1 and 148/2 is classified as cart track in the revenue records. Insofar as the remaining land in Survey Nos.148/3, 148/4 and 148/5 is concerned, the same is classified as Government assessed waste land. He further submits that encroachments are made in some portions of the subject property. He also submits that necessary action would be taken for removal of encroachment by considering the representation of the petitioner dated 06.12.2023.

5.Considering the above said submission, this Court without going into the merits of the case, directs the third respondent to take necessary action for removal of encroachment made in the subject properties by considering the representation of the petitioner dated 06.12.2023 on merits and in accordance with law, after providing sufficient opportunity of hearing to all the parties concerned. Such an exercise shall be completed as early as possible preferably, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition stands disposed of. No costs.

[D.K.K., J.] & [R.V., J.]  
26.03.2024

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

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To

1. The District Collector,  
Thoothukudi District,  
Thoothukudi.
2. The Revenue Divisional Officer,  
Kovilpatti,  
Thoothukudi District.
3. The Tahsildar,  
Kayathar,  
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**D.KRISHNAKUMAR, J.**

**AND**

**R.VIJAYAKUMAR, J.**

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