



W.P.(MD) No.13023 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

**THE HON'BLE MR.R.MAHADEVAN, ACTING CHIEF JUSTICE
and
THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN**

W.P.(MD) No.13023 of 2024

S.Iyyappan

... Petitioner

-vs-

1.The District Collector /
District Monitoring Committee
Collectorate
Kanyakumari District

2.The Thasildhar
Agasteeswaram Taluk
Kanyakumari District

3.The Executive Officer
Theroor Panchayat
Theror, Kanyakumari District

4.The Block Development Officer /
Rural Development Officer
Nagercoil
Agasteeswaram Taluk
Kanyakumari District

... 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 to remove the encroachments made in S.No.817 in Amman Kovil Street, in Theroor Village, Agasteeswaram Taluk, Kanyakumari District, by adopting the procedures contemplated under Tamil Nadu Land Encroachment Act, 1905 and its Rules, within a time stipulated by this Court.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

R.MAHADEVAN, A.C.J.

And

G.R.SWAMINATHAN, J.

Heard the learned counsel for the petitioner and learned Additional Government Pleader for the respondents.

2. The petitioner alleges that there are encroachments in Amman Kovil Street, Theroor Village. The grievance of the petitioner is that the complaint lodged by him in this regard has not elicited any response. Hence, this writ petition came to be filed.



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3. We direct the respondents 3 and 4 to issue notice to the encroachers calling upon them to remove the encroachments. If the demand set out in the notice issued under Section 131 of the Tamil Nadu Panchayats Act, 1994 is not complied with, the respondents 3 and 4 shall refer the matter to the second respondent. The second respondent would thereafter be obliged to take action as per the procedures set out in the Tamil Nadu Land Encroachment Act, 1905. The entire exercise shall be completed within a period of four months from the date of receipt of a copy of this order. We make it clear that we have not gone into the merits of the matter. We direct that all the interested parties shall be put on notice before any adverse action is taken.

4. With the above direction, this writ petition is disposed of. No costs.

[R.M.D., A.C.J.] [G.R.S., J.]

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

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