



W.P(MD)No.13474 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2024

CORAM:

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

**W.P(MD)No.13474 of 2018
and
W.M.P(MD)No.12284 of 2018**

T.Sakkammaldurai

... Petitioner

VS.

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi,
Tirunelveli District.
- 3.The Tahsildar,
Kadayanallur Taluk,
Kadayanallur,
Tirunelveli District.
- 4.Karuththathal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the fourth respondent in the public



W.P(MD)No.13474 of 2018

WEB COPY lane in S.No.466/9 in Thalaivankottai Village in Kadayanallur Taluk in Tirunelveli District by constructing a wall and remove the same as per law within a time frame fixed by this Court.

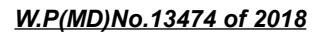
For Petitioner : Mr.F.X.Eugene
For Respondent Nos.1 to 3 : Mr.S.P.Maharajan
Special Government Pleader
For Respondent No.4 : Mr.R.J.Karthick

ORDER

(Order of the Court was made by D. KRISHNAKUMAR, J.)

The petitioner has filed the present Writ Petition for issuance of a Writ of Mandamus, to direct the respondents 1 to 3 to remove the encroachment made by the fourth respondent in the public lane in S.No.466/9 in Thalaivankottai Village in Kadayanallur Taluk in Tirunelveli District by constructing a wall and remove the same as per law within a time frame fixed by this Court.

2.The grievance of the petitioner is that though the third respondent issued a notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905, dated 22.02.2018 to the fourth respondent to



3. When the matter was taken up for hearing today, the learned Special Government Pleader appearing for the respondents 1 to 3 would submit that the fourth respondent has filed a suit before the civil Court and no interim order has been passed in the said suit.

3/6



W.P(MD)No.13474 of 2018

WEB COPY

5.Considering the submissions made on either side, we direct the third respondent to take necessary action for removal of encroachment in the property in question, after affording sufficient opportunity to all the parties concerned and by following the due process of law, if there is no other legal impediment. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6.As per G.O(Ms)No.64, Revenue and Disaster Management Department, Land Disposal Wing, 'LD.6(2)' Section, dated 08.02.2022, the District Monitoring Committee viz., the District Collector, Tirunelveli District, shall monitor the same.

7.With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[D.K.K.,J.] [R.V.,J.]
12.02.2024

NCC : Yes / No
Index : Yes / No
ps



W.P(MD)No.13474 of 2018

WEB COPY

To

- 1.The District Collector,
Tirunelveli District,
Tirunelveli.
- 2.The Revenue Divisional Officer,
Tenkasi Revenue Division,
Tenkasi,
Tirunelveli District.
- 3.The Tahsildar,
Kadayanallur Taluk,
Kadayanallur,
Tirunelveli District.



WEB COPY



W.P(MD)No.13474 of 2018

D. KRISHNAKUMAR,J.
and
R.VIJAYAKUMAR,J.

ps

ORDER MADE IN
W.P(MD)No.13474 of 2018

DATED : 12.02.2024