



W.P(MD)No.23032 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.03.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE B.PUGALENDHI**

W.P(MD)No.23032 of 2023

K.Santhi

... Petitioner

Vs.

1.The Revenue Divisional Officer
and Sub Divisional Magistrate,
Tiruchendur Division,
Thoothukudi District.

2.The Block Development Officer,
Udangudi Panchayat Union,
Tiruchendur Division,
Thoothukudi District.

3.The Thasildar,
Tiruchendur Taluk Office,
Thoothukudi District.

4.Kalaichelvan

5.Thangapalam

6.Shanmugavel

7.Vijayraj



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8.The Executive Engineer,
Public Works Department (WRO),
Tirunelveli.
***(R.8 is suo motu impleaded vide
order of this Court dated 25.09.2023)***

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to initiate proceedings under Section 133, Code of Criminal Procedure, 1973, to remove the encroachments made by the 4th to 7th respondents in the Karumeni River channel in Survey No.245/4, Nangaimoli Village, Tiruchendur Taluk, Thoothukudi District by considering the representation of the petitioner dated 10.03.2023 within such time as may be stipulated by this Court.

For Petitioner : Mr.M.U.Mohamed Aslam

For Respondents : Mr.V.Nirmal Kumar
Government Advocate
for R.1 to R.3 & R.8

No Appearance for R.4 to R.7

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Government Advocate appearing for the respondents 1 to 3. Though notice has been served to the private respondents and their names are printed in the cause list, they have not chosen to enter appearance.



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2.All that the petitioner wants is removal of encroachments in Survey No.245/4, Nangaimoli Village in Tiruchendur Taluk. It is not in dispute that the said survey number was originally classified as "Odai".

3.The eighth respondent is directed to conduct survey and also verify the revenue record. What has been mentioned as “Odai” in the revenue record shall be restored. If any encroachments have been committed, they shall be removed by adhering to due process of law after issuing notice to the encroachers. The entire exercise shall be completed by the eighth respondent within a period of four months from the date of receipt of a copy of this order.

4.This writ petition is allowed accordingly. There shall be no order as to costs.

[G.R.S., J.] [B.P., J.]
05.03.2024

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

To

1.The Revenue Divisional Officer
and Sub Divisional Magistrate,
Tiruchendur Division, Thoothukudi District.



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G.R.SWAMINATHAN, J

and

B.PUGALENDHI, J.

MGA

- 2.The Block Development Officer,
Udangudi Panchayat Union,
Tiruchendur Division,
Thoothukudi District.
- 3.The Thasildar,
Tiruchendur Taluk Office,
Thoothukudi District.
- 4.The Executive Engineer,
Public Works Department (WRO),
Tirunelveli.

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