



W.P (MD).No.26388 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.11.2024

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD).No.26388 of 2024

S.Ramesh

... Petitioner

Vs.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Chairman/Managing Director,
Tamil Nadu Police Housing Development Corporation,
No.132, EVR Salai, Poonthanmali Road,
Keezhpakkam,
Chennai-10.

3.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.

4.The Superintendent of Police,
Railway Police,
Trichy.

5.The Tahsildar,
Tirunelveli Taluk Office,
Tirunelveli.

6.The Sub-Inspector of Police,
Railway Police Station,
Tirunelveli.

...Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents 1 to 5 to remove illegal occupation (Compound Wall and borewell) from petitioner's land in T.S.No. 177, Block No.3, Ward-G, Thatchanallur Village, Tirunelveli Taluk and to hand over the possession based on petitioner's representation, dated 22.09.2023, 16.10.2023 and 13.12.2023 within the time frame to be fixed by this Court.

For Petitioner : Mr.S.Kumar
For R1 & R5 : Mr.D.Gandhi Raj
Special Government Pleader
For R3,R4 & R6 : Mrs.M.Aasha
Government Advocate (Crl.side)

ORDER

This writ petition has been filed for a direction directing the respondents 1 to 5 to remove the illegal occupation by putting up compound wall and Bore-well from the petitioner's land comprised in T.S.No.177, Block No.3, Ward-G, Thatchanallur Village, Tirunelveli Taluk.

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



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3. The petitioner owned land comprised in T.S.No.177, Block No.3, Ward-G, Tirunelveli Taluk. It was originally belonged to his mother and subsequently, settled in his favour by a registered settlement deed. Thereafter, the petitioner came to understand that the respondents 3 & 4 had constructed a compound wall and dug up a borewell in the portion of the land belonging to the petitioner. Therefore, the petitioner made a request before the fifth respondent to survey the land. The fifth respondent has conducted survey and submitted a report, dated 09.12.2023. In the portion comprised in T.S.No.177, Block No.3, Ward-G, Tirunelveli Taluk, they owned a land comprised in T.S.No.59 in which, they constructed quarters for their officials. While constructing the quarters, they encroached part of the land of the petitioner comprised in T.S.No.177 and constructed a compound wall and dug up a borewell and drawing water for their domestic use.

4. In view of the above, the first respondent is directed to consider the representation submitted by the petitioner and pass orders on merits and in accordance with law after issuance of notice to the petitioner and giving an opportunity or hearing and also in the light of the survey report submitted by the fifth respondent, dated 19.12.2023, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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

Internet : Yes
Index : Yes/No
Speaking/Non Speaking order
am

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To

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Tirunelveli.
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- 3.The Commissioner of Police,
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- 4.The Superintendent of Police,
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- 5.The Tahsildar,
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G.K.ILANTHIRAIYAN, J.

am

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