



W.P.(MD).No.30482 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD).No.30482 of 2024

Selvakumar

... Petitioner

Vs.

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Tahsildar,
Mudhukulathur Taluk Office,
Ramanathapuram District.
- 3.The Village Administrative Officer,
O/o. Village Administrative Office,
West Usilangulam Village,
Mudhukulathur Taluk,
Ramanathapuram District.

4.Lakshmi

5.Bhakkiyam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the second respondent to remove the encroachment in the light of the notice in Na.Ka.P1/7051/2023 dated 18.10.2024 in accordance with law.



W.P.(MD).No.30482 of 2024

For Petitioner : Mr.M.Velmurugan
For R-1 to R-3 : Mr.S.Shaji Bino
Special Government Pleader

ORDER

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

2. This Writ Petition has been filed for Mandamus, directing the second respondent to remove the encroachment in the light of the notice in Na.Ka.P1/7051/2023 dated 18.10.2024 in accordance with law.

3. Since no adverse orders are going to be passed against the respondents 4 and 5, notice to the respondents 4 and 5 is hereby dispensed with.

4. The learned counsel for the petitioner would submit that the petitioner has given a representation to the second respondent on 30.10.2023, to remove the encroachments alleged to have been made by the private individuals in the Government poromboke land in Survey No.571/17, West Usilankulam Village, upon which drinking water tank has been installed by general public long back.



W.P.(MD).No.30482 of 2024

Pursuant to the same, the second respondent initiated proceedings under the Land Encroachment Act and issued notices to the respondents 4 and 5 under Section 7 and 6 of the Act. Thereafter, no action was taken to remove the encroachments, which prompted the petitioner to file the present writ petition before this Court.

5. This Court will not be justified in stepping into the shoes of the concerned respondent for considering such a prayer of the petitioner. However, this Court is of the view that if the petitioner is granted liberty to make a fresh representation before the concerned respondent, with a consequential direction to the concerned respondent to consider the same, the ends of justice could be secured.

6. Accordingly, the petitioner herein is granted liberty to give a fresh representation to the concerned respondent, ventilating his grievances, as expeditiously as possible. On receipt of such a representation, the concerned respondent is directed to consider the same, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the respondents 4 and 5, as well as to any other person, who may be interested in the subject matter, within a period of three (3) months from the



W.P.(MD).No.30482 of 2024

date of receipt of the representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the matter and that it is open to the concerned respondent to consider the same, on its own merits.

7. With the above direction, the Writ Petition stands disposed of. There shall be no order as to costs.

(M.S.R.,J.) (A.D.M.C.,J.)
16.12.2024

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

To

- 1.The District Collector,
Office of the Tenkasi Collectorate,
Tenkasi.
- 2.The Block Development Officer,
Sankarankovil Union,
Tenkasi District.
- 3.The Tahsildar,
Office of the Tahsildar,
Sankarankovil,
Tenkasi District.



WEB COPY



W.P.(MD).No.30482 of 2024

M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

Lm

W.P.(MD).No.30482 of 2024

16.12.2024