



W.P.(MD)No.1704 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.1704 of 2025

and

W.M.P.(MD)No.1206 of 2025

S.Alaguvel

: Petitioner

Vs.

1.Assistant Divisional Engineer,
Highways Department (C & M),
Tiruchendur – 628 215,
Thoothukudi District.

2.Divisional Engineer,
Highways Department (C & M),
No.1/4A, Ettayapuram Road,
Sundaravelpuram, KTC Nagar West,
Thoothukudi – 628 001.
Thoothukudi District.



W.P.(MD)No.1704 of 2025

WEB COPY

3. Deputy Superintendent of Police,
Tiruchendur Temple Police Station,
Tiruchendur – 628 215.
Thoothukudi District.

4. Assistant Engineer,
Highways Department (C & M),
Tiruchendur – 628 215.
Thoothukudi District.

5. Assistant Electricity Engineer,
Tamil Nadu Electricity Board,
Thisayanvilai – Udangudi Road,
Udangudi, Chettipathu – 628 203,
Thiruchendur Taluk, Thoothukudi District.

6. Inspector of Police,
Kulasekaranpattinam Police Station,
Kaniyakumari – Tiruchendur Road,
Kulasekaranpattinam – 628 206.
Thiruchendur Taluk, Thoothukudi District.

7. The Tahsildar, Tiruchendur Taluk,
Tiruchendur – 628 215,
Thoothukudi District.

: Respondents



W.P.(MD)No.1704 of 2025

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorari, to call for the records pertaining to the order passed by the first respondent herein in his proceedings in Order No.06/2024 dated 31.12.2024 and quash the same.

For Petitioner : Mr.K.Murali Sankar
For Respondents 1, 2, 4&7 : Mr.J.Ashok
Additional Government Pleader
For Respondent No.5 : Mr.S.Deenadhayalan
Standing Counsel
For Respondents 3 & 6 : Mr.P.Kottaisamy,
Government Advocate [Crl. Side]

ORDER

[Order of the Court was made by **M.S.RAMESH, J.**]

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

2.This writ petition has been filed seeking to quash the order passed by the first respondent herein in his proceedings in Order No. 06/2024 dated 31.12.2024.



W.P.(MD)No.1704 of 2025

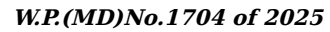
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3.The grievance of the petitioner herein is that the respondents are taking steps to demolish the compound wall on the premise that the same has encroached upon the lands in S.No.10/5A belonging to the Highways Department. According to the learned Counsel, the claim of the respondents is incorrect and that the steps for such demolition is being sought for without conducting a survey.

4.Learned Additional Government Pleader has produced a copy of the letter of the Highways Department dated 13.01.2025, wherein the Tahsildar has been instructed to conduct a survey of the lands in S.No. 10/5A, in the presence of the petitioner herein.

5.Learned Counsel for the petitioner also produced a letter from the Highways Department, whereby the proposed action for removal of encroachment has been postponed.

6.In the light of these proceedings, we are of the view that the respondents may be directed to proceed with the survey in the presence



Accordingly, there shall be a direction to the respondents to conduct proper survey of the lands in S.No.10/5A, in the presence of the petitioner and thereafter, take further course of action in accordance with law. Till such time the survey is conducted, no coercive action shall be taken for removal of the alleged encroachment.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

23.01.2025

MR



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W.P.(MD)No.1704 of 2025

WEB COPY

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M.S.RAMESH, J.

and

A.D.MARIA CLETE, J.

MR

ORDER MADE IN

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23.01.2025