



W.P.(MD)No.5174 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 26.02.2025

CORAM:

**THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MRS JUSTICE S.SRIMATHY**

W.P.(MD)No.5174 of 2025
and
W.M.P.(MD)No.3783 of 2025

A.Shanmugam

...Petitioner

-Vs-

1.The District Collector,
Thoothukudi District.

2.The Tahsildar,
Saathankulam Taluk,
Thoothukudi District.

3.The Block Development Officer,
Village Panchayat, Alwar Thirunagari,
Thoothukudi District.

4.The President,
Karunakadal Village Panchayat,
Saathankulam Taluk,
Thoothukudi District.

...Respondents

PRAYER:Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned notice of the fourth respondent vide his notice dated 03.01.2025 and quash the same as illegal, consequently direct the



W.P.(MD)No.5174 of 2025

respondent not to vacate the petitioner's house situated in his patta land in S.F.No.546/8E2 to an extent of 10 cents at Karunkadal village, Sathankulam Taluk, Thoothukudi District without following due process of law.

For Petitioner : Mr.A.M.B.Mathubalan
For R1 & R2 : Mr.M.Sarangan
Additional Government Pleader
For R3 : Mr.S.S.Madhavan
Additional Government Pleader

ORDER

(Order of the Court was made by **J.NISHA BANU, J.**)

Heard Mr.A.M.B.Mathubalan, learned counsel appearing for the petitioner, Mr.M.Sarangan, learned Additional Government Pleader for respondents 1 and 2 and Mr.S.S.Madhavan, learned Additional Government Pleader for the third respondent. Considering the nature of the order proposed to be passed in this writ petition, notice to the fourth respondent is dispensed with.

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

3.The petitioner is stated to be encroached in a public pathway. Hence, an order was issued by the fourth respondent to the petitioner to remove such encroachment. The said order is put to challenge in this writ petition.



W.P.(MD)No.5174 of 2025

WEB COPY 4.The learned counsel for the petitioner submits that the petitioner has not made any encroachment in the public pathway as alleged by the respondents. Further, the fourth respondent is not the competent authority to issue an order for removal of encroachment. Hence, he seeks to allow this writ petition.

5.The learned Additional Government Pleader appearing for the respondents 1 and 2 fairly submits that the fourth respondent has no jurisdiction to issue the order impugned in this writ petition.

6.In view of the above submission, the order impugned in this writ petition, dated 03.01.2025 is set aside and this writ petition is allowed. It is made clear that if there is any encroachment made by the petitioner, the appropriate authority shall remove the same by following due process of law. No costs. Consequently, connected miscellaneous petition is closed.

(J.N.B.,J.) (S.S.Y.,J.)
26.02.2025

Index : Yes/No
Internet : Yes/No
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W.P.(MD)No.5174 of 2025

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W.P.(MD)No.5174 of 2025

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and
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