



W.P.(MD) No.4201 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 02.04.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P.(MD)No.4201 of 2025

N.Naganathan

... Petitioner

-Vs-

1.The District Collector,
Collectorate Office,
Ramanathapuram.

2.The Commissioner,
Rameswaram Municipality,
Rameswaram.

3.The Revenue Divisional Officer,
Rameswaram.

4.The Tahsildar,
Rameswaram.

5.The Revenue Inspector,
Rameswaram.

6.K.Karuppiah

... Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to remove the encroachment made by the 6th respondent in the common pathway in S.No.164 Rameswaram Group based on the order passed by the 4th respondent in his proceedings Pa.Mu.A3/3504/2024, dated 28.01.2025 within a time limit fixed by this Court.

For Petitioner : Mr.PT.S.Narendravasan

For R1, R3 to R5 : Mrs.D.Farjana Ghoushia,
Special Government Pleader

For R2 : Mr.K.Saravanan, Standing Counsel

For R6 : Mr.K.Sathish Kumar

ORDER

[Order of the Court was made by *J.NISHA BANU, J.*]

According to the petitioner, the petitioner purchased a land in S.No.164/1 to an extent of 1.61.50 hectares situated at Rameswaram Revenue Village and in the same village, the 6th respondent also purchased a land in S.No.164/2 to an extent of 1.61.50 hectares. They executed gift settlement deeds in respect of S.Nos.164/1 and 164/2 in favour of Governor through the 2nd respondent Municipality for formation of road. Thereafter, the 6th respondent has made encroachment in the Government road, which is donated to the Local Body by erecting iron gate and shed. Therefore, pointing out the same, the petitioner



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has made a representation dated 23.09.2024 and the same was removed.

However, the 6th respondent once again made encroachment on the Government road. Therefore, the petitioner made another representation dated 20.10.2024. However, the same is kept pending till date without any progress. Therefore, he has filed this Writ Petition.

2.Today (02.04.2025) when the matter is taken up for hearing, the learned Special Government Pleader for the respondents 1, 3 to 5 would submit that the representation of the petitioner would be considered and survey would be conducted on the land in question and if the survey reveals any encroachment, the same would be removed by following due process of law.

3.In view of the above, we direct the 4th respondent to conduct a survey in the land in question in the presence of the petitioner as well as the 6th respondent, after issuing notice to them and during survey, if it is found that there an encroachment, the same shall be removed, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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4. With the above direction, this Writ Petition is disposed of. No costs.

[J.N.B., J.] & [S.S.Y., J.]
02.04.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The District Collector,
Collectorate Office,
Ramanathapuram.
2. The Revenue Divisional Officer,
Rameswaram.
3. The Tahsildar,
Rameswaram.
4. The Revenue Inspector,
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AND

S.SRIMATHY, J.

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