



W.P.(MD) No.4522 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 25.02.2025

CORAM:

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

AND

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

W.P.(MD)No.4522 of 2025

and

W.M.P.(MD)No.3246 of 2025

Amutha

... Petitioner

-Vs-

1.The District Collector,
Office of the District Collector,
Madurai District.

2.The Tahsildar / Monitoring Committee,
Vadipatti Taluk, Madurai District.

3.The Divisional Engineer (Highways),
Construction and Maintenance,
Madurai-625 002.

4.The Assistant Divisional Engineer,
Construction and Maintenance,
Highways Department, Vadipatti,
Madurai District.

5.The Head Surveyor,
Vadipatti Taluk, Madurai District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to re-measure and fix the exact encroachment part of the petitioner's house in Mullipallam Village Survey No. 426/2, consequently, permit the petitioner to remove the encroachment made in the Mullipallam Village Survey No.19/1 to an extent of 0.00.18 sq.mt, herself on the basis of the representation dated 17.02.2025.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.J.Ashok,

Additional Government Pleader

ORDER

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

According to the petitioner, she purchased tiled house in Survey No.426/2 situated at Mullipallam Village through a registered sale deed in Document No.629/1982. From the date of purchase, she has been in possession and enjoyment of the same. While being so, the 4th respondent issued a notice dated 23.05.2024 to the petitioner, stating that the petitioner constructed a house by encroaching the land in Survey No.19/1 to an extent of 0.00.18 sq.mt. On receipt of the same, the petitioner sent objections to the authorities concerned on 30.05.2024. However, the authorities concerned wrongly fixed the boundaries and asked the petitioner to remove the entire dwelling house in Survey No.426/2



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to an extent of 0.00.49 sq.mt. Therefore, she made a representation dated 17.02.2025 to the respondents. Since the same has not been considered so far, she has filed this Writ Petition, seeking for a direction to the respondents to re-measure and fix the exact encroachment part of her house and consequently, permit her to remove the encroachment made in the Mullipallam Village Survey No.19/1 to an extent of 0.00.18 sq.mt, by herself.

2.The learned Additional Government Pleader appearing for the respondents would fairly submit that the survey number has been wrongly mentioned and the authorities concerned would re-measure the land in question. He would further submit that the representation of the petitioner would be considered on its own merits and necessary orders would be passed within a period that may be stipulated by this Court.

3.Considering the limited scope of the prayer sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of this Writ Petition, we direct the respondents to consider the representation of the petitioner dated 17.02.2025, after giving sufficient opportunity of hearing to all the parties concerned and pass appropriate orders on merits and in accordance



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with law within a period of twelve [12] weeks from the date of receipt of a copy of this order.

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

Consequently, connected miscellaneous petition is closed.

[J.N.B., J.] & [S.S.Y., J.]
25.02.2025

NCC : Yes / No
Index : Yes / No

Yuva

To

1. The District Collector,
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5. The Head Surveyor,
Vadipatti Taluk, Madurai District.



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