



WP(MD). No.7515 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 24/03/2025

CORAM

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

AND

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**WP(MD). No.7515 of 2023
and WMP(MD) No.7011 of 2023**

Stephen. M

... Petitioner

v.

1. The District Collector,
O/o. the District Collectorate,
Ramanathapuram District..

2. The Block Development Officer,
Mandapam, Panchayat Union Office,
Uchipuli, Ramanathapuram District..

3. The President,,
Pamban, Mandapam, Panchayat Union Office,
Ramanathapuram District.

4.Raja John

5.The Tahsildar
Rameshwaram Taluk
Ramanathapuram District

... Respondents

(R4 has been impleaded vide order dated 24.03.2025
in WMP(MD) No.17139/2023)



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(R5 has been suo-motu impleaded vide order dated 24.03.2025)

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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, by calling for the records relating to the impugned order passed by the 3rd respondent in Paa. O.Na.Ka.No. 21/2023 dated 21.02.2023 and quash the same as illegal and unconstitutional and consequently direct the 2nd and 3rd respondent not to disturb the petitioner and enjoyment of his small fishing net shop in S.No. 1086/7 with an extent of 1.50 cents which is situated at Pamban Panchayath, Ramanathapuram District.

For Petitioner : Mr.V.Sebastinal Preethi

For Respondents : Mrs.D.Farjana Ghoushia
Spl.Government pleader
Mr.Hassanul Bazari
for impleaded respondent

ORDER

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

The writ petition has been filed challenging the impugned order of the 3rd respondent in Paa. O.Na.Ka.No. 21/2023 dated 21.02.2023 and consequently to direct the 2nd and 3rd respondent not to disturb the petitioner and enjoyment of his small fishing net shop in S.No. 1086/7 with an extent of 1.50 cents which is situated at Pamban Panchayat, Ramanathapuram District.



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2. The petitioner is running a shop in S.No.1086/7 to an extent of 1.5 cents and tax is also paid by him. The said land was in occupation for more than 40 years, ie., by the petitioner's father and subsequent to his father, the petitioner is in possession and enjoyment. While so, the 4th respondent has filed a writ petition before this Court in WP(MD) No. 7692/2022 stating that the petitioner has encroached upon the Government land, wherein an order has been passed to consider the representation of the 4th respondent, after affording an opportunity of hearing to the petitioner herein. However, without hearing the petitioner and without affording sufficient opportunity to the petitioner, pursuant to the order of this Court in, vide impugned order dated 21.02.2023, the 3rd respondent directed the petitioner to remove the encroachment within seven days. Challenging the same, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that the petitioner is in possession of the land for more than 40 years, for which, tax is also being paid to the respondents. Therefore, it is stated that the impugned order is illegal. He would further submit that the 3rd respondent is not the authority to pass the order of eviction. On these grounds, the learned counsel prays for interference.



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5. Heard the learned counsel for the petitioner, learned counsel for the impleaded respondent and the learned Special Government Pleader for the official respondents.

6. Since the President of the Panchayat/3rd respondent is not the authority to pass the order of eviction, on the sole ground alone, the impugned order is quashed. Considering the facts and circumstances of the case, the Tahsildar, Rameshwaram Taluk, Ramanathapuram District, is suo-motu impleaded as a respondent. The Tahsildar shall make an inspection to the said property and if any encroachment is found/made, the Tahsildar shall take necessary action in the manner known to law.

7. With the aforesaid observation and direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

[J.N.B.,J]

[S.S.Y.,J]

24.03.2025

NCC : Yes/No

Index : Yes/No

RR

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