



W.P(MD)No.12311 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.12311 of 2025

Ramanathan

... Petitioner

vs.

- 1.The District Collector,
Chairperson of District Monitoring Committee,
Ramanathapuram District.
- 2.The Revenue Divisional Officer,
Ramanathapuram,
Ramanathapuram District.
- 3.The Thasildhar,
Thiruvadanai Taluk,
Ramanathapuram District.
- 4.The Superintendent of Police,
Ramanathapuram District.
- 5.Muthuraj
- 6.Rajendran

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 4 to remove the encroachment at Survey No.348/23 at Thalirmarungur Group, Thiruvadanai Taluk, Ramanathapuram District in view of the proceedings by the third respondent in Na.Ka.B5/5462/2023 dated 02.11.2023 based on the petitioner's representation dated 18.10.2023.

For Petitioner	: Mr.B.Mahendrarajan
For RR 1 to 3	: Mrs.D.Farjana Ghoushia Special Government Pleader
For R – 4	: Mr.A.Albert James Government Advocate

ORDER

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

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself. Considering the limited relief sought by the petitioner, notice to respondents 5 and 6 is dispensed with.

2.The Writ Petition has been filed for the issuance of a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment at Survey No. 348/23 of Thalirmarungur Group, Thiruvadanai Taluk,



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Ramanathapuram District, in view of the proceedings initiated by the third respondent in Na.Ka.B5/5462/2023 dated 02.11.2023, based on the petitioner's representation dated 18.10.2023.

3. According to the petitioner, the land comprised in Survey No. 348/23, to an extent of 2.86 cents, is classified as Arasu Poramboku "Pathai", which is used by the villagers for animal husbandry purposes. However, the respondents 5 and 6 have encroached upon the land, claiming ownership. Since the encroached land is classified as Arasu Poramboku, the petitioner submitted a petition on behalf of the villagers to the first respondent on 18.10.2023, seeking removal of the encroachment. Pursuant to the same, the third respondent initiated proceedings in Na.Ka.B5/5462/2023 dated 02.11.2023, confirming the encroachment. However, the official respondents have not taken any steps to remove the encroachment, leading to the filing of this Writ Petition.

4. The learned Special Government Pleader appearing for respondents 1 to 3 submits that a Section 7 notice has been issued to the alleged encroachers, and the same is pending before the second respondent. The second



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respondent will consider the matter and pass appropriate orders on its own merits within a period as may be stipulated by this Court.

5.In view of the above submissions, without going into the merits of the petitioner's claim, the concerned authorities are directed to survey the land in question in the presence of the petitioner as well as respondents 5 and 6. After affording a personal hearing to all the concerned parties, if any encroachment is found as claimed by the petitioner, the concerned authorities shall take necessary action to remove the encroachment by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

[J.N.B.,J.] & [S.S.Y.,J.]
28.04.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

ps

Note: Registry is directed to mark a copy of this order to the private respondents.

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J.NISHA BANU, J.
and
S.SRIMATHY, J.

ps

ORDER MADE IN
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DATED : 28.04.2025