



W.P(MD)No.13545 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.08.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

W.P(MD)No.13545 of 2024

L.Shanthi

... Petitioner

VS.

1.The District Collector,
O/o.District Collector Office,
Thoothukudi,
Thoothukudi District.

2.The Tahsildar,
O/o.Tahsildar Office,
Kayathar Taluk,
Tirunelveli District.

3.The Assistant Director,
Municipality Office,
Tirunelveli Zone,
Tirunelveli District.

4.Savior



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5.The Executive Officer,
O/o.Town Panchayat Office,
Kayathar Town Panchayat,
Kayathar,
Thoothukudi District.

... Respondents

(R – 5 is impleaded vide order dated 25.08.2025
made in W.M.P(MD)No.12670 of 2024)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to remove the encroachment in Survey No.703/41, Kayathar Taluk, Thoothukudi District by considering the petitioner's representation dated 27.04.2024 within the time stipulated by this Court.

For Petitioner : Mr.D.Balamurugapandi

For RR 1 to 3 & 5 : Mr.J.Ashok
Additional Government Pleader

ORDER

(Order of the Court was made by G.ARUL MURUGAN, J.)

Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 3 & 5.



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2.This Writ Petition is filed seeking for a direction to the respondents to remove the encroachment in Survey No.703/41, Kayathar Taluk, Thoothukudi District.

3.The learned Additional Government Pleader appearing for the respondents 1 to 3 & 5, based on the written instructions from the Tahsildar, Kayathar, dated 25.06.2024, submitted that the encroachments made by the private respondent in Survey No.703/42 and in the pathway in Survey No. 703/41 have already been identified and the Executive Officer, Kayathar Town Panchayat/fifth respondent, has already issued proceedings under the Tamil Nadu Land Encroachment Act, 1905 (hereinafter referred to as 'the Act, 1905').

4.In view of the fact that the encroachments have already been identified and appropriate proceedings have been initiated by the authority concerned under the provisions of the Act, 1905 for removal of such



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encroachments, the official respondents are directed to continue with the enforcement action as contemplated under the relevant Act and Rules and complete the same within a period of twelve weeks from the date of receipt of a copy of this order.

5.It is submitted that the fourth respondent has filed a suit as against the official respondents. However, in view of Section 14 of the Act, 1905, the mere pendency of the suit shall not be a bar for the authorities to proceed with the action under the Act, 1905.

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

[S.M.S.,J.] & [G.A.M.,J.]
25.08.2025
(1/2)

NCC : Yes / No
Index : Yes / No
Internet : Yes
ps



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To

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O/o.District Collector Office,
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- 4.The Executive Officer,
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S.M.SUBRAMANIAM, J.
and
G.ARUL MURUGAN, J.

ps

ORDER MADE IN
W.P(MD)No.13545 of 2024

DATED : 25.08.2025
(1/2)