



W.P.(MD) No.14114 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.05.2025

CORAM:

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI
and
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

W.P.(MD) No.14114 of 2025

and

W.M.P.(MD) No.10242 of 2025

V.Jeya

... Petitioner

-vs-

1.The District Collector
Ramanathapuram District
Ramanathapuram

2.The Commissioner
Rameshwaram Municipality
Rameswaram
Ramanathapuram District

3.The Tahsildar
Office of the Tahsildar
Rameswaram
Ramanathapuram District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order in Na.Ka.No.2035/2024/AP1, dated 02.05.2025, passed by



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the second respondent herein and set aside the same as illegal and consequently forbearing the second respondent from dispossessing the petitioner or interfering with the petitioner's peaceful possession over the property in Survey No.534, Kenthamathana Parvatham, Rameswaram Taluk, Ramanathapuram District, in accordance with law.

For Petitioner : Mr.VB.Sundhareshwar

For Respondents : Mr.M.Lingadurai
Special Government Pleader for R1 & R3
Mr.K.Saravanan for R2

ORDER

[Order of the Court was made by M.DHANDAPANI, J.]

Challenging the order dated 02.05.2025, passed by the second respondent, directing the petitioner to remove the encroachment made by her in the subject land, she has filed this writ petition.

2. Mr.M.Lingadurai, learned Special Government Pleader, takes notice for the respondents 1 & 3 and Mr.K.Saravanan, learned counsel, takes notice for the second respondent.



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3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. Learned counsel for the petitioner would submit that the petitioner is residing at Door No.16/24, Kenthamathana Parvatham Salai, Rameshwaram Taluk, Ramanathapuram District, for the past four decades along with her family members. Her father constructed a hut in the said address. She has obtained electricity service connection and she has been paying necessary house tax for the past 25 years. During the year 2005, she approached the first respondent for issuance of patta in respect of the subject land and her application was forwarded to the third respondent. However, the same is still pending before the third respondent without passing any orders therein.

5. Learned counsel for the petitioner would further submit that in the meanwhile, the respondents tried to evict the petitioner from the subject land on the ground that she is in encroachment of the subject land. Aggrieved by the same, the petitioner filed a suit in O.S.No.21 of 2018, before the District Munsif Court, Rameswaram, seeking a relief of declaration and permanent injunction against the respondents. The said suit was defended by



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the second respondent. However, the said suit was referred to the Lok Adalat and a consent award was passed therein on 22.06.2022. In the said consent award, the petitioner has agreed to vacate the encroached portion. However, contrary to the said Lok Adalat Award, the second respondent has passed the impugned order, under Section 128 of the Tamil Nadu Urban Local Bodies Act, 1998, directing her to remove the encroachment made by her in the subject land.

6. However, learned counsel for the petitioner fairly submitted that inadvertently, the petitioner had not mentioned the survey number of the subject land in the said suit and also classification of the land. Therefore, he would submit that this Court may issue a direction to the third respondent to measure the subject land and if any encroachment is found in the subject land made by the petitioner, the same shall be removed in accordance with law and in terms of the Lok Adalat award dated 22.06.2022 passed in O.S.No. 21 of 2018.

7. Learned counsels appearing for the respective respondents have no objection for the above submission of the learned counsel for the petitioner.



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8. Taking into consideration the facts and circumstances of the case, the third respondent is directed to measure the subject land and if any encroachment is found in the subject land made by the petitioner, the same shall be removed in accordance with law and in terms of the Lok Adalat award dated 22.06.2022 passed in O.S.No.21 of 2018, after affording an opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[M.D.I., J.] [R.S.V., J.]

09.05.2025

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

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To:

- 1.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 2.The Tahsildar,
Office of the Tahsildar,
Rameswaram, Ramanathapuram District.



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