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W.P.(MD) No.18254 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2025

CORAM:

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.P.(MD) No.18254 of 2020

S.Seethalakshmi

... Petitioner

-VS-

1.The Commissioner
Tirunelveli Corporation
Tirunelveli

2.The District Collector
Tirunelveli District

3.S.Sivanathan

4.Subbulakshmi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to remove the encroachments in the street bearing T.S.No.354, measuring to an extent of 30.8 mts x 6.09 mts, in Ward BM, Block 31, Melapalayam Ward of Tirunelveli Corporation.



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For Petitioner : Mr.K.Vinoharan
for Mr.G.Prabhu Rajadurai

For Respondents : No appearance for R1
Mr.M.Sarangan
Additional Government Pleader for R2
Mr.K.P.Narayanakumar for R3
Mr.S.C.Herold Singh for R4

ORDER

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

The relief sought for in this writ petition is to direct the respondents to remove the encroachments in the street bearing T.S.No.354, measuring to an extent of 30.8 mts x 6.09 mts, in Ward BM, Block 31, Melapalayam Ward of Tirunelveli Corporation.

2. It is brought to the notice of this Court that the private respondents have instituted a civil suit claiming certain rights over the subject property. However, learned counsel for the petitioner would submit that the said suit is noway connected with the encroached portion of the public property.



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3. Be that as it may, it is the duty mandate on the part of the first respondent to conduct a field inspection, survey the property, identify the encroachments, if any, and initiate all appropriate actions for removal of the encroachments by following the procedures as contemplated under the relevant act and rules. Since the first respondent is the authority concerned for removal of encroachments, they are bound to look into the matter.

4. Accordingly, the first respondent / Commissioner, Tirunelveli Corporation, is directed to conduct a field inspection, survey the property and identify the encroachments, if any, and thereafter, follow the procedures as contemplated under the relevant act and rules, remove the encroachments, if any, and resume the pathway to its original position. Such an exercise is directed to be completed within a period of twelve weeks from the date of receipt of a copy of this order.

5. At this juncture, learned counsel appearing for the third respondent submitted that it is a private property.



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6. If at all the third respondent claims title or ownership, he has to approach the competent civil court to establish his right.

7. With the above observations, this writ petition is disposed of.

No costs.

[S.M.S., J.]

[A.D.M.C., J.]

24.06.2025

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

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To:
The District Collector,
Tirunelveli District.



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