



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2015

CORAM:

WEB COPY

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.1575 of 2015 and M.P. (MD) No.1 of 2015

P.Sankili Kalai

... Petitioner

Vs.

1.The District Collector,
Virudhunagar District, Virudhunagar.

2.The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.

3.The Block Development Officer,
Srivilliputtur Panchayat Union,
Virudhunagar District.

4.The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District

5.The Village Administrative Officer,
Achanthavirthan Village,
Srivilliputtur Taluk,
Virudhunagar District.

6.Ganesan

... Respondents

PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment in Survey No.1470/24, Achanthavirthan Village, Srivilliputtur Taluk, Virudhunagar District within the stipulated period.

For Petitioner : Mr.G.Marimuthu

For Respondents : Mr.B.Pugalendhi, Spl.G.P.for R1 to 5

ORDER

(Order of this Court was made by S.TAMILVANAN,J.)

The Writ petition has been filed invoking Article 226 of the Constitution of Indian, seeking an order in the nature of Writ of Mandamus directing the respondents 1 to 5 to remove the encroachment made in Survey No.1470/24, Achanthavirthan Village, Srivilliputtur Taluk, Virudhunagar District.



2. Heard the learned counsel appearing for the petitioner as well as the learned Special Government pleader appearing for the respondents 1 to 5.

3. Learned counsel appearing for the petitioner submitted that the aforesaid land is paddy crushing field (Kalam) and that has been utilized by all the agriculturists of the Village. However, the sixth respondent has made an encroachment, which is detrimental to the public. Though the petitioner submitted a written representation to the Revenue Divisional Officer, Sivakasi, the second respondent herein, the same was not considered till date. Learned counsel also drew the attention of this Court to the copy of the representation, which is available in the typed set of papers.

4. Per contra, the learned Special Government Pleader appearing for the respondents 1 to 5 submitted that the petitioner has raised allegation against one Mariyappa Devar, apart from the sixth respondent Ganesan. Hence, without impleading the said Mariyappa Devar, he cannot seek the aforesaid relief.

5. However, the learned counsel appearing for the petitioner submitted that the said Mariyappa Devar is none other than the sixth respondent's father-in-law.

6. Having gone through the averments made in the accompanying affidavit and the supporting documents, we find it just and reasonable to direct the second respondent to consider the representation made by the petitioner dated 21.12.2014 after providing opportunity to the sixth respondent and other encroachers and pass appropriate orders on merits and in accordance with law.

7. Accordingly, the Writ petition is disposed of, directing the second respondent to consider the representation made by the petitioner dated 21.12.2014 after providing opportunity to the sixth respondent and other encroachers and pass appropriate orders on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. No costs.

8. If the representation is not available with the second respondent, the petitioner shall furnish a copy of the representation to the second respondent along with the order copy. Consequently, connected M.P. is closed.

Sd/-
Assistant Registrar (T&P)

/TRUE COPY/

Sub Assistant Registrar

To
1. The District Collector,
Virudhunagar District, Virudhunagar.

<https://hcservices.ecourts.gov.in/hcservices/>

2. The Revenue Divisional Officer,
Sivakasi, Virudhunagar District.



3.The Block Development Officer,
Srivilliputtur Panchayat Union,
Virudhunagar District.

4.The Tahsildar,
Srivilliputtur Taluk,
Virudhunagar District

5.The Village Administrative Officer,
Achanthavirthan Village,
Srivilliputtur Taluk,
Virudhunagar District.

+1cc to Mr.G.Marimuthu, Advocate, SR.No.6140
+1cc to Special Govt.Pleader SR.No.6623

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