



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.02.2015

CORAM:

THE HONOURABLE DR. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P. (MD) No.1761 of 2015

and

M.P (MD) No.1 of 2015

S.Sankar Raj

...Petitioner

Vs.

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Block Development Officer (GS),
O/o Sankarankovil Panchayat Union,
Sankarankovil 627 756,
Tirunelveli District.

3.The President,
P.Reddiapatti Post,
Sankarankovil Taluk,
Tirunelveli District.

4.A.K.Rajaguru

...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 and 2 to remove the encroachments made by the fourth respondent in S.No.171/2 in P.Reddiapatti Village, Sankarankovil Taluk, Tirunelveli District.

For Petitioner : Mr.F.X.Eugene

For Respondents : Mr.N.Manoharan, Spl.G.P. for R1

No appearance for R2 to R4

ORDER

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

The Writ petition has been filed seeking an order in the nature of Writ of Mandamus or any other order or direction in the nature of Writ, to remove the encroachment made by the fourth respondent in Survey No.171/2 of P.Reddiapatti Village, Sankarankovil Taluk, Tirunelveli District.

2.Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the first respondent.

3.Learned counsel appearing for the petitioner submitted that the petitioner had given a representation on 22.09.2014 for which postal acknowledgment is also available at page No.2 of the typed set of papers, however, the same was not considered by the respondents 1 to 3 till date, hence, he filed the Writ petition seeking an order in the nature of Writ of Mandamus.



4. Having gone through the averments made in the accompanying affidavit and after hearing the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the first respondent, we find it just and reasonable to direct the respondents 1 and 2 to consider the representation of the petitioner dated 22.09.2014 and pass appropriate orders, according to law.

5. In the result, the Writ petition is disposed of directing the respondents 1 and 2 are directed to consider the representation of the petitioner dated 22.09.2014 and pass appropriate orders on merits and in accordance with law after conducting enquiry and providing opportunity to the petitioner as well as to the fourth respondent and other encroachers within a period of six weeks from the date of receipt of a copy of this order.

6. No order as to costs. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Tirunelveli District, Tirunelveli.

2. The Block Development Officer (GS),
O/o Sankarankovil Panchayat Union,
Sankarankovil 627 756,
Tirunelveli District.

3. The President,
P.Reddiapatti Post,
Sankarankovil Taluk,
Tirunelveli District.

+1cc to Mr.F.X.Engene, Advocate in SR.6515
+1cc to the Special Government Pleader in SR.7025

W.P. (MD) No.1761 of 2015
12.02.2015

nbj

pbk 07/04/2015 ::2p-6c: