



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2015

CORAM:

THE HONOURABLE Dr. JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR. JUSTICE V.S.RAVI

W.P.(MD)No.1890 of 2015

Sakthivel

... Petitioner

Vs.

1.The District Collector,  
Trichy District, Trichy.

2.The Tahsildar,  
Manapparai, Trichy District.

3.The Commissioner,  
Panchayat Union,  
Vaiyampatti, Manapparai Taluk,  
Trichy District.

4.The President,  
Vaiyampatti Panchayat,  
Manapparai Taluk, Trichy District.

5.P.Senthilkumar

6.Neela

7.Gurunathan

... 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 4 forthwith to remove the encroachment made by the respondents 5 to 7 and other encroachers of the weekly market situated in Survey No.153/1, Vaiyampatti Village, Manapparai Taluk, Tiruchy District in the light of the petitioner's representation dated 05.01.2015.

For Petitioner : Mr.R.Manimaran

For Respondents : Mr.B.Pugalendhi, Spl.G.P. for R1 and R2

ORDER

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

The Writ petition has been filed invoking Article 226 of the Constitution of India, seeking an order of Writ of Mandamus or any other order or direction in the nature of Writ, directing the respondents 1 to 4 to remove the encroachments made by the respondents 5 to 7 herein whereby weekly market situate in Survey No.153/1, Vaiyampatti Village, Manapparai Taluk, Trichy District, in view of the representation made by the petitioner dated 05.01.2015.



2. Heard the learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the respondents 1 and 2.

3. Learned counsel appearing for the petitioner drew the attention of this Court to the copy of the representation dated 05.01.2015 sent to the respondents 1 to 4 and also the postal acknowledgment to that effect.

4. Learned Special Government Pleader appearing for the respondents 1 and 2 submitted that the allegations are only against the respondents 5 to 7, who are private individuals.

5. However, we are of the view that the scope of the Writ petition is limited and it is only a Public Interest.

6. On the aforesaid facts and circumstances, we find it just and reasonable to direct the first respondent to consider the representation of the petitioner dated 05.01.2015 and pass appropriate orders after providing opportunity to the petitioner herein, respondents 5 to 7 and other encroachers if any.

7. Accordingly, the Writ petition is disposed of directing the District Collector, Trichy District, the first respondent herein, to consider the representation of the petitioner dated 05.01.2015 and conduct enquiry and after providing opportunity to the respondents 5 to 7 and other encroachers, if any, pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AS)

/True copy/

Sub Assistant Registrar

To

1. The District Collector, Trichy District, Trichy.

2. The Tahsildar, Manapparai, Trichy District.

3. The Commissioner, Panchayat Union,

Vaiyampatti, Manapparai Taluk, Trichy District.

4. The President, Vaiyampatti Panchayat,

Manapparai Taluk, Trichy District.

+1CC TO MR.A.THIYAGARAJAN, ADVOCATE IN SR : 7182

+1CC TO THE SPECIAL GOVERNMENT PLEADER, IN SR : 7896

Nbj

SR : 26.03.2015 : 2p/7c