

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.03.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.875 of 2013

A.S.Bagupali
President of Sri Anandhnatha
Theerthangarar Ginalayam

... Petitioner

vs.

1.The District Collector,
District Collector Office,
Tiruvannamalai.

2.The Tahsildar,
Tahsildar Office,
Arni Taluk, Tiruvannamalai District.

3.Mayandi

4.Manokaran

5.Elumalai

R3 to R5 impleaded as per the order
of this court dated 27.03.2013
made in MP.No.1/2013

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider the representation dated 18.12.2012 and further directing the respondent to remove the illegal encroachment of third parties to the properties situated in Old S.No.41/22 and New S.No.35/22 in Anandapuram Street, Saidapet, Arni Town, Thiruvannamalai District.

For Petitioner : Mr.M.Suresh
For R1 and R2 : Mrs.P.Rajalakshmi, GA

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the respondents 1 and 2 to consider his representation dated 18.12.2012 and to remove the illegal encroachment made by the third parties to the properties situated in Old S.No.41/22 and New S.No.35/22 in Anandapuram Street, Saidapet, Arni Town, Thiruvannamalai District.

2. It is the case of the petitioner that he is the Trustee-cum-President of Sri Anandhanatha Theerthankarar Jeenalayam, situated at Anandapuram Street, Arni Town, Thiruvannamalai District. The said Jeenalayam was registered on 20.11.1994. Originally, the vacant land in Old S.No.41/22 and New S.No.35/22 belonged to the said Jeenalayam, which already constructed a compound wall on the three corners of the same for the purpose of safety. However, the said Jeenalayam is unable to construct the compound wall on the western side of the vacant land, due to illegal encroachment made by one Muthukumar Mayandi, Manokaran and Elumalai, who are impleaded as respondents 3 to 5 herein by the order of this Court dated 27.03.2013 made in MP.No.1 of 2013. Hence, the petitioner made a representation dated 18.12.2012 to respondents 1 and 2, requesting them to remove the encroachment made by respondents 3 to 5. Though the said representation was received on 21.12.2012, till date, no action has been taken by the respondent Officials. Therefore, the petitioner has no other alternative except to approach this court with the present petition for the above stated relief.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for respondents 1 and 2.

4. Considering the limited nature of the relief sought for herein, this Court permits the petitioner to make a fresh representation in detail, along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order. On receipt of such representation from the petitioner, respondents 1 and 2 are directed to consider the same, by affording an opportunity of personal hearing to the petitioner as well as to respondents 3 to 5 and pass appropriate orders with regard to removal of encroachment in respect of the land in Old S.No.41/22 and New S.No.35/22 in Anandapuram Street, Arni Town, Thiruvannamalai District, within a period of twelve weeks thereafter. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the respondents 1 and 2 to pass appropriate orders purely on merits and in accordance with law.

5. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rk

To

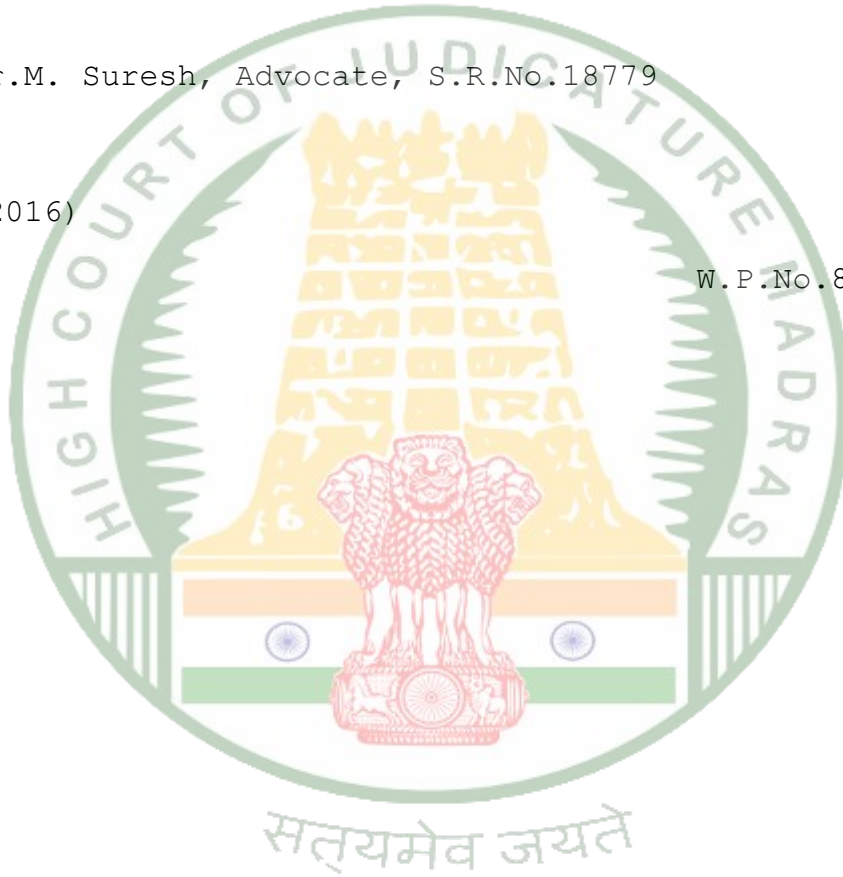
1.The District Collector,
District Collector Office,
Tiruvannamalai.

2.The Tahsildar,
Tahsildar Office,
Arni Taluk, Tiruvannamalai District.

+1cc to Mr.M. Suresh, Advocate, S.R.No.18779

RV(CO)
EU(27/04/2016)

W.P.No.875 of 2013



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