



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 20.09.2017
CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.[MD].No.17795 of 2017

K.Kannan

... Petitioner

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Commissioner,
Madurai Corporation,
Madurai.
3. The Assistant Commissioner,
Block-IV,
Madurai South,
Madurai.
4. The Tahsildar,
Madurai South,
Madurai.
5. The Land Surveyor,
Madurai South,
Madurai.
6. M.Ramalingam
7. M.Murugesan

... Respondents

PRAYER: 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 made by the respondents No.6 and 7 in S.No.147/1A, Vasantha Nagar, Madurai on the basis of the representation of the petitioner, dated 05.06.2017 in accordance with law within the time stipulated by this Court.

For Petitioner
For R1, R4 & R5

For R2 & R3

: Mr.P.R.Prithiviraj
: Mr.T.S.Mohammed Mohideen,
Addl. Government Pleader
: Mr.R.Murali

**O R D E R**

[Order of the Court was delivered by **M.M.SUNDRESH, J.**]

By consent, the writ petition itself is taken up for final disposal.

2.This is a second round of litigation though not at the instance of the petitioner, the person, who pursue the matter earlier, died, thereafter a review petition was filed, in which, the following order was passed:-

"3.The writ petition was disposed of directing the Commissioner, Madurai Corporation to consider the representation of the petitioner to remove the encroachment. One of the persons claiming to be a representative of the deceased petitioner filed Sub Application (MD)No.59 of 2015 to permit the petitioner to file contempt petition. However, this Court while dismissing the above said application held that without impleading the leal representatives in the manner known to law, he cannot maintain the Contempt Petition and further held that since he is claiming to be the legal heir of the deceased, he should have approached the Government to implement the order and straight away, he cannot file contempt application.

4.It is pertinent to point out that the Government passed G.O.Ms.No.540, Revenue LD6 (2), Department, dated 04.12.2014 wherein the Government accorded sanction for constitution of Redressal Committees for eviction of encroachment. Therefore, the petitioner has to approach the competent authority as per the said Government Order for the redressal of his grievance for eviction of encroachment. The Review Application is accordingly closed. No costs."

3.In pursuant to the aforesaid order, the petitioner made a representation to the respondents 2 and 3 on 05.06.2017 seeking adjudication upon the same, the present writ petition has been filed.

4.Considering the above, we direct the third respondent to consider the representation of the petitioner, dated 05.06.2017 and pass appropriate orders on merit and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order after giving an opportunity to the parties.



5. With the above direction, the writ petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District,
Madurai.

2. The Commissioner,
Madurai Corporation,
Madurai.

3. The Assistant Commissioner,
Block-IV,
Madurai South,
Madurai.

4. The Tahsildar,
Madurai South,
Madurai.

5. The Land Surveyor,
Madurai South,
Madurai.

+ 1 CC TO MR.R.Murali, ADVOCATE IN SR No.80588

+ 1 CC TO MR.D.Sadiq Raja, ADVOCATE IN SR No.79835

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 80352

am

MK/SV MMS/SAR-1/28.09.2017/3P/9C

W.P. [MD].No.17795 of 2017

20.09.2017