



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

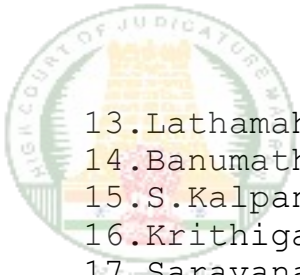
W.P(MD)No.932 of 2018
and
W.M.P(MD)No.980 of 2018

S.Paramasivam

... Petitioner

Vs.

- 1.The District Collector,
Collectorate Campus,
Tirunelveli District.
- 2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.
- 3.The Commissioner of Police,
Office of the Commissioner of Police,
Tirunelveli District.
- 4.The Inspector of Police,
Palayamkottai Police Station,
Palayamkottai,
Tirunelveli District.
- 5.The Tahsildar,
Palayamkottai Taluk Office,
Palayamkottai,
Tirunelveli District.
- 6.The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam,
Tirunelveli District.
- 7.K.Janakirammohan
- 8.K.Chandrababu
- 9.S.Raveendranath
- 10.Ashadevi
- 11.Geetha Kannammal
- 12.Mydili



13.Lathamaheswari
14.Banumathi
15.S.Kalpanadevi
16.Krithigadevi
17.Saravana Rajesh
18.Parameswari
19.Thilakrajkumar
20.Deepak Rajkumar
21.Muthujanaki
22.Meena
23.Ramkumar
24.Venkatraj
25.Rani
26.M.Mahalingam
27.Latha
28.M.Saraswathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 to 6 to remove the encroachment in 30 feet Thar Road situated in Ayan Nanja Land in Survey Nos.7/2 and 7/6 admeasuring 12.58 out of 32.08 cent situated at Keezha Veeraraghavapuram Village, Palayamkottai Taluk, Tirunelveli District and consequently directing respondent Nos.1 to 6 to take action against 7 to 28 respondents based on the petitioner's representation, dated 11.12.2017.

For Petitioner	: Mr.T.Selvan
For R - 2	: Mr.Aayiram K.Selvakumar
For R1, R3 to R6	: Mr.A.Muthukaruppan, Additional Government Pleader.

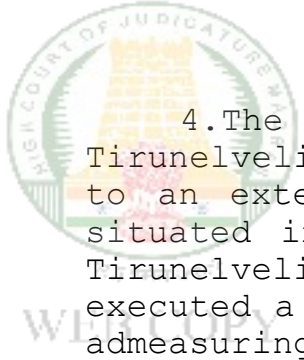
ORDER

(Order of the Court was made by M.SATHYANARAYANAN,J.)

By consent, the Writ Petition itself is taken up for final disposal.

2.Mr.Aayiram K.Selvakumar learned counsel accepts notice on behalf of the second respondent and Mr.A.Muthukaruppan, learned Additional Government Pleader accepts notice on behalf of the fifth respondent.

3.This Court is of the view that notices to the rest of the official respondents are not necessary, as it is the claim of the petitioner that the lane/road in question belongs to the second respondent Corporation.



4.The petitioner claims to be a resident of Kokkirakulam, Tirunelveli District. According to him, Ayan Nanja Land admeasuring to an extent of 32.08 cent comprised in Survey Nos.7/2 and 7/6, situated in Keezha Veeraraghavapuram Village, Palayamkottai Taluk, Tirunelveli District, originally belonged to one Chinnasamy and he executed a gift deed in favour of the second respondent of the land admeasuring to an extent of 12.58 cents for the purpose of laying a pucca road and he died on 25.12.1998. It is also stated by the petitioner that after being acceptance of the said gift deed, the second respondent has also laid a pucca road.

5.The grievance expressed by the petitioner is that the private respondents started demarcating the portion of the said land and laid survey stones and created plots on the alleged pretext that the legal heirs of Chinnasamy had executed a sale deed in their favour, vide registered Document No.2571/17, dated 22.06.2017. In this regard, the petitioner submitted a representation, dated 11.12.2017 to the first respondent. Despite receipt and acknowledgment, no action has been taken so far and hence, he came forward to file this Writ Petition.

6.Heard the submissions of the learned counsel appearing for the petitioner.

7.A perusal of the materials would indicate that the Tirunelveli City Municipal Corporation though arrayed as a respondent, no representation has been submitted to him. This Court, taking into consideration the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in his representation or in this Writ Petition, permits the petitioner to submit a detailed representation to the second respondent along with the copy of this order by enclosing relevant and authenticated documents, as to his claim, within a period of two weeks from the date of receipt of a copy of this order and the second respondent upon receipt of the same, either himself or through a delegated official, shall put the private respondents on notice and thereafter consider and dispose of the representation of the petitioner on merits and in accordance with law within a further period of twelve weeks and communicate the decision taken, to the petitioner as well to the private respondents.

8.The Writ Petition stands disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub-Assistant Registrar



To

1. The District Collector,
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Tirunelveli District.
2. The Commissioner,
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Palayamkottai,
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6. The Sub Registrar,
Melapalayam Sub Registrar Office,
Melapalayam,
Tirunelveli District.

+One cc to Mr.T.Selvan, Advocate, SR.No.42522

+One cc to The Special Government Pleader, SR.No.42663

mr/ps

RL/9C/4P/SKN/RSK/SAR1/1/2/2018

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and
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