



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD].No.9646 of 2018

TR.Muthusamy

: Petitioner

Vs.

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Commissioner,
Sakkottai Panchayat Union,
Sivagangai District.

3.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

4.Sethuraman

5.Subbu @ Subramanian

: 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 3 to remove the encroachments made in S.No.166/1 of Nerpukappatti group, V.Soorakudi Village, Karaikudi Taluk, Sivagangai District by the respondents 4 and 5 considering the representation of the petitioner, dated 20.03.2018.

For Petitioner : Mr.J.Anandkumar

For R1 to R3 : Mr.M.Jeyakumar

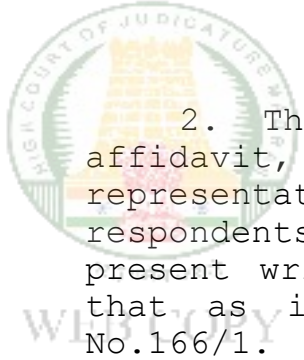
Addl. Govt. Pleader

For R4 & R5 : Mr.K.K.Kannan

ORDER

[Order of the Court was made by R.SUBBIAH, J.]

This writ petition has been filed seeking for issuance of a Writ of Mandamus, directing the Respondents 1 to 3 to remove the encroachments in S.No.166/1 of Nerpukappatti group, V.Soorakudi Village, Karaikudi Taluk, Sivagangai District, made by the respondents 4 and 5 by considering the representation of the petitioner, dated 20.03.2018.



2. Though very many contentions have been raised in the affidavit, ultimately, the petitioner seeks only to consider his representation. But, today, the learned counsel appearing for the respondents 4 & 5 appeared before this Court and submitted that the present writ petition has been filed with false averments stating that as if the respondents 4 & 5 have encroached the survey No.166/1.

3. Be that as it may, the prayer is only to consider the representation. This Court, without going into the merits of the averments made by the petitioner, directs the petitioner to give a fresh representation to the respondents 2 & 3 within a period of one week from the date of receipt of a copy of this order. On receiving such representation, the third respondent is directed to afford an opportunity of hearing to the petitioner and the respondents 4 & 5 and inspect the property and survey the land and if any encroachment is found, the respondent shall proceed to remove the encroachment in accordance with law. The entire exercise shall be completed within a period of twelve weeks, from the date of receipt of a copy of this order.

4. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Commissioner,
Sakkottai Panchayat Union,
Sivagangai District.

3. The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

+1CC to Mr.J.Anandkumar, Advocate, SR.No.96118

+1CC to Mr.K.K.Kannan, Advocate, SR.No.96105

+1CC to the Special Government Pleader SR.No.96693

W.P(MD)No.9646 of 2018
20.11.2018

AM