



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2019

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P (MD) NO.3007 OF 2019

S.Raju

:Petitioner

.vs.

- 1.The District Collector,
Trichy District.
- 2.The Tahsildar,
Manapparai Taluk,
Trichy District.
- 3.The Superintending Engineer,
Highways Department,
(Construction and Maintenance)
Pudukkottai Road,
Subramaniyapuram,
Trichy District.
- 4.The Assistant Engineer,
Highways Department,
Manapparai,
Trichy District.
- 5.Pandi

6.Alagarsamy : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 1 to 4 to consider the representation of the Petitioner, dated 10.12.2018 to remove the encroachment made by the respondents 5 and 6 in Survey Nos.218 and 219 of Poigaipatti, Manapparai Taluk, Trichy District within the time fixed by this Court.

For Petitioner	:Mr.C.K.M.Appaji
For Respondents	:Mr.Aayiram K.Selvakumar
1 to 4	Addl. Govt.Pleader
For Respondents	:Mr.A.Joel Paul Antony
R5 and R6	

**O R D E R**

(Order of the Court was made by **K.KALYANASUNDARAM.,J.**)

The Petitioner has come forward with this Writ Petition seeking a direction to the respondents 1 to 4 to consider his representation, dated 10.12.2018 to remove the encroachment made by the respondents 5 and 6 in Survey Nos.218 and 219 of Poigaipatti, Manapparai Taluk, Trichy District.

2.Heard Mr.C.K.M.Appaji, learned counsel appearing for the Petitioner, Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 to 4 and Mr.A.Joel Paul Antony, learned counsel appearing for the respondents 5 and 6 and perused the materials available on record.

3.The learned counsel appearing for the Petitioner would state that it would suffice if a direction is issued to the fourth respondent to consider the representation of the Petitioner, within the time specified by this Court.

4.Mr.A.Joel Paul Antony, learned counsel appearing for the respondents 5 and 6 would state that in respect of the same issue, a suit in O.S.No.161 of 2008 is pending on the file of I Additional Sub-Court, Tiruchirappalli and this Writ Petition has been filed suppressing the pendency of the said Civil Suit.

5.The learned Additional Government Pleader appearing for the respondents 1 to 4 would state that the fourth respondent is ready to consider the representation of the Petitioner.

6.Taking note of the above submissions and the prayer sought for in the Writ Petition, this Court, without expressing any opinion on the merits of the matter, directs the fourth respondent to consider the representation of the Petitioner, dated 10.12.2018 and pass orders on merits and in accordance with law, after providing ample opportunity to the Petitioner, respondents 5 and 6 and other necessary parties. Such an exercise shall be carried out within a period of six months from the date of receipt of a copy of this order.

7.With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AD-I)

/True Copy/

Sub Assistant Registrar



To

1.The District Collector,
Trichy District.

2.The Tahsildar,
Manapparai Taluk,
Trichy District.

3.The Superintending Engineer,
Highways Department,
(Construction and Maintenance)
Pudukkottai Road,
Subramaniyapuram,
Trichy District.

4.The Assistant Engineer,
Highways Department,
Manapparai,
Trichy District.

+1cc to Mr.C.K.M.Appaji, Advocate, SR.No.53921

+1cc to Mr.A.Joel Paul Antony, Advocate, SR.No.54366

+1cc to Special Government Pleader, SR.No.54518

ORDER MADE IN
WP(MD) .3007 OF 2019
14.03.2019

SP/03.04.2019/ 3P/8C