



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.03.2019
CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) .No.21101 of 2017

and

W.M.P. (MD) No.17362 of 2017

L.Sadanandam

... Petitioner

Vs.

1. The Director of Town and Country Planning,
Anna Salai, Chennai - 600 002.

2. The District Collector,
Thanjavur District, Thanjavur.

3. The Assistant Director of Town and
Country Planning,
No.33, 4th Street, Rajappa Nagar,
Medical College Road,
Thanjavur - 7.

4. The Block Development Officer,
Thanjavur Panchayat Union Office,
Panagal Building, Thanjavur.

5. S.N.M.Ubayathullah

... Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 1 to 4 to consider the representation submitted by the petitioner, dated 07.10.2017 and to maintain the land in S.No.233 to an extent of 39528 sq.ft., Nilagiri Theruku Thottam Village, Thanjavur and District earmarked for public purpose in the approved layout in Ma.Pi.Va/Ma (P3).No.52/88 and approved by the proceedings of the fourth respondent in R.C.No.3624/88/A6, dated 27.05.1991 as open Space Reserved for public purposes as per the statute without being encroached by the 5th respondent or other third parties.

For Petitioner

: Mr.G.Sankaran

For R1 to R3

: Mr.Ayiram K.Selvakumar

Additional Government Pleader

For R4

: Mr.M.Rajarajan

For R5

: Mr.K.Mahendran

**ORDER**

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

This writ petition has been filed for issuance of writ of Mandamus directing the respondents 1 to 4 to consider the representation of the petitioner, dated 07.10.2017.

2.Heard Mr.G.Sankaran, learned counsel appearing for the petitioner; Mr.Aayiram K.Selvakumar, learned Additional Government Pleader appearing for the respondents 1 to 3; Mr.M.Rajarajan, learned counsel appearing for the fourth respondent and Mr.K.Mahendran, learned counsel appearing for the fifth respondent.

3.According to the petitioner, the land, earmarked for public purpose in S.No.233 to an extent of 39528 sq.ft., Nilagiri Theruku Thottam Village, Thanjavur and District, has been encroached by the private respondents.

4.The fifth respondent has filed a detailed counter disputing and denying the allegations of the petitioner.

5.Taking note of the fact that the prayer sought for in this writ petition and the facts of this case, this Court, without expressing any opinion on the merits of the matter, directs the fourth respondent to consider the representation of the petitioner dated 07.10.2017 and pass orders strictly in accordance with law, after affording an opportunity of hearing to the petitioner and to other necessary parties, if any, within a period of three months from the date of receipt of a copy of this order.

6.With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

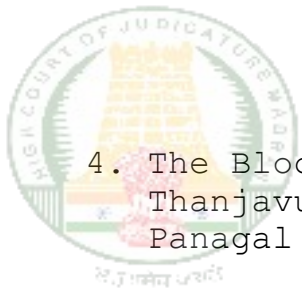
sd/
Assistant Registrar(writs)

/True Copy/

Sub Assistant Registrar

To

1. The Director of Town and Country Planning,
Anna Salai, Chennai - 600 002.
2. The District Collector,
Thanjavur District, Thanjavur.
3. The Assistant Director of Town and
Country Planning,
No.33, 4th Street, Rajappa Nagar,
Medical College Road, Thanjavur - 7.



4. The Block Development Officer,
Thanjavur Panchayat Union Office,
Panagal Building, Thanjavur.

+1 CC to Mr.G.SANKARAN, Advocate (SR-51650[F] dated 05/03/2019)

+1 CC to SPL GP (SR-51981[F] dated 06/03/2019)

W.P. (MD) .No.21101 of 2017
05.03.2019

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MK (18.03.2019) 3P 7C