



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P.[MD]No.23890 of 2019

Madakulam JJ Nagar Residents Welfare Association,
(Regd. No.62/2013),
Rep. by its President,
Jeyachandran,
S/o. V.Sundaram,
Madakulam Main Road,
Madurai - 625 003.

: Petitioner

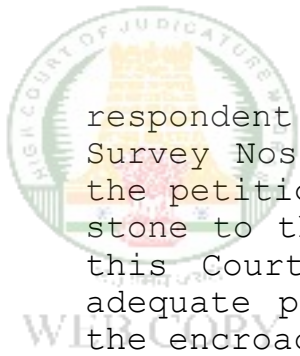
Vs.

- 1.The District Collector,
Madurai District,
Collectorate Building,
Madurai - 625 020.
- 2.The Special Tahsildar,
Harijan Welfare,
Unit- I, Collectorate Building,
Madurai - 625 020.
- 3.The Special Tahsildar (LA),
Harijan Welfare,
Unit-I,
Collectorate Building,
Madurai - 625 020.
- 4.The Special Sub-Inspector (i/c),
Land Survey,
Harijan Welfare, Unit - I,
Collectorate Building,
Madurai - 625 020.
- 5.The Inspector of Police,
S.S.Colony Police Station,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the second

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respondent to remove the encroachment survey the land situated at Survey Nos.339 and 345, Madakulam Village, Madurai on the basis of the petitioner's representation dated 05.08.2019 and put up boundary stone to the above said land within the stipulated time as fixed by this Court and consequently direct the fifth respondent to give adequate police protection to the second respondent while removing the encroachment and survey the land.

For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

O R D E R

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

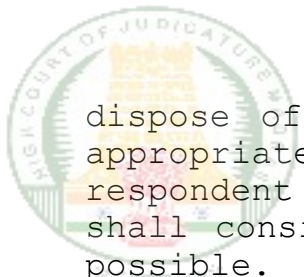
2.Heard Mr.C.Mayilvahana Rajendran, learned Counsel appearing on behalf of the petitioner and Mr.A.K.Baskara Pandian, learned Special Government Pleader appearing on behalf of the respondents.

3.The petitioner who is a registered Society stated to consist of allottees of plots in Madakulam JJ Nagar, seeks for a direction upon the respondents to survey the entire layouts and put up boundary stones for the plots.

4.For an identical relief, the President of the petitioner association, Mr.Jeyachandran, filed W.P.[MD]No.16090 of 2012. The said writ petition was disposed of by order dated 13.12.2012, directing the respondents 2 to 4 therein to survey the land and fix survey stones. Once again, the petitioner is before this Court for a similar relief.

5.Earlier, the petitioner filed W.P.[MD]No.21306 of 2019, which was posted before the learned Single Bench, wherein the petitioner sought permission to withdraw the writ petition and file a Public Interest Litigation. This is how the petitioner is before this Court.

6.According to the petitioner association, some of the residents have made encroachments over and above the alleged area and the encroachments have not been removed. A representation to the said effect has been submitted to the respondents on 05.08.2019. However, it appears that the representation is politically coloured. Therefore, we cannot issue any direction based on such representation displaying photographs of political leaders, presumably with a view to intimidate the authorities and intimidate the Court which cannot be done by the petitioner. Therefore, we



dispose of the petition with liberty to the petitioner to submit appropriate representation in the proper manner to the second respondent and if such representation is given the second respondent shall consider the same in accordance with law as expeditiously as possible.

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7. With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(AD-I)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

1. The District Collector,
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Harijan Welfare,
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3. The Special Tahsildar (LA),
Harijan Welfare,
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Land Survey, Harijan Welfare, Unit - I,
Collectorate Building,
Madurai - 625 020.
5. The Inspector of Police,
S.S.Colony Police Station, Madurai.

+1CC TO MR.C.MAYIL VAHANA RAJENDRN, Advocate Sr. No.98203
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 98394

Order made in

W.P. [MD]No.23890 of 2019

Dated: 13.11.2019

KG(CO)

TR(03.12.2019) 3P 8C