



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

W.P. (MD)No.25458 of 2019

Shanmugapriya

...Petitioner

Vs.

1.The District Collector,
Pudukottai District.

2.The Thasildar,
Viralimalai Taluk,
Pudukottai District.

3.Krishnamoorthy

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the second respondent to remove the encroachment made by the third respondent in Sy.No.180/3 and 180/6 in Viralimalai Village and Taluk by considering the petitioner's representation dated 15.11.2019.

For Petitioner : Mr.K.P.Narayanakumar

For R1 and R2 : Mr.A.Muthukaruppan

Additional Government Pleader

ORDER

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

Heard Mr.K.P.Narayanakumar, learned counsel for the petitioner and Mr.A.Muthukaruppan, learned Additional Government Pleader, who accepts notice for the official respondents. As we are inclined to dispose of the writ petition without issuing any positive direction, notice to the third respondent is dispensed with.

2. This writ petition has been filed to direct the second respondent to remove the encroachment made by the third respondent in Sy.No.180/3 and 180/6 in Viralimalai Village and Taluk upon consideration of his representation dated 15.11.2019.

3. The petitioner alleges that the third respondent had encroached into a pathway leading to a burial ground. In this regard representation has been sent on 15.11.2019 and the same has been received in the office of the respondent on 18.11.2019. Further, without giving reasonable time for the official respondents to take action, the petitioner immediately rushed to



this Court and this could have been a good reason for us to dismiss this writ petition. However, if there is any encroachment, the official respondents should take action and they should not wait for a private person to point out the same or a private person to approach the Court.

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4. In the light of the above, we direct the second respondent to consider the representation of the petitioner, dated 15.11.2019, issue notice to the third respondent and any other persons, who are stated to be encroacher and after hearing the parties in person or their authorized representatives. Appropriate action shall be taken in accordance with law within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

1.The District Collector,
Pudukottai District.

2.The Thasildar,
Viralimalai Taluk,
Pudukottai District.

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-102590[F]

+1 CC to M/s.SPL. GP (SR-103013[F] dated 02/12/2019)

ORDER MADE IN
W.P. (MD)No.25458 of 2019
29.11.2019

SMA/07/01/2020/2P/5C