



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.11.2019**

CORAM:

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE R.THARANI**

W.P (MD)NO.23044 OF 2017

Pappu

:Petitioner

.vs.

1.The Tahsildar,
Tahsildar Office,
Iluppur Taluk,
Pudukkottai District.

2.The Commissioner,
Annavasal Panchayat Union,
Annavasal,
Pudukkottai District.

3.Kattari,
Anbunagar,
Thavoothu Mill,
SIPCOT Post,
Pudukkottai District.

: 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 and 2 to take necessary action against the third respondent by removing the encroachment in public park situated at S.No.299.2, New Survey No.299.2A and B at Vellanur Village, Vellanur Circle, Pudukkottai District by considering the Petitioner's representation,dated 22.8.2017 within the time stipulated by this Court.

For Petitioner

:Mr.M.Ramu

For Respondents
1 and 2

:Mr.A.Muthukaruppan
Addl.Govt.Pleader

For Respondent-3

:Mr.K.Gokul



O R D E R

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

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We have heard Mr.M.Ramu, learned counsel appearing for the Petitioner, Mr.A.Muthukaruppan, learned Additional Government Pleader appearing for the respondents 1 and 2 and Mr.K.Gokul, learned counsel appearing for the third respondent.

2.The Petitioner has sought for a Writ of Mandamus to remove the encroachment made in public park situated at S.No.299.2, New Survey No.299.2A and B at Vellanur Village, Vellanur Circle, Pudukkottai District, by considering the Petitioner's representation,dated 22.8.2017 within the time stipulated by this Court.

3.According to the Petitioner, third respondent is attempting to encroach upon the area reserved for public park.

4.It is submitted by the learned counsel for the third respondent that no records have been placed before this Court to justify that there is any encroachment.

5.On a perusal of the representation submitted by the Petitioner, it is seen that there are no materials enclosed, as to the encroachment made by the third respondent. Therefore based on such representation, we cannot issue any direction. However, this does not mean that the authority will have to keep quiet in this matter without examining as to whether there is any encroachment. Therefore, while dismissing this Writ Petition, we direct the second respondent to look into the grievance expressed by the Petitioner in accordance with law. No costs.

Sd/-

Assistant Registrar (w)

// True Copy //

Sub Assistant Registrar (CS)

vsn



To

1.The Tahsildar,
Tahsildar Office,
Iluppur Taluk,
Pudukkottai District.

2.The Commissioner,
Annavaasal Panchayat Union,
Annavaasal,
Pudukkottai District.

+1 CC to Mr.M.RAMU, Advocate (SR-97372[F] dated 11/11/2019)

+1 CC to Mr.K.GOKUL, Advocate (SR-97330[F] dated 11/11/2019)

+1 CC to M/s.SPL GP (SR-97784[F] dated 12/11/2019)

ORDER MADE IN
W.P (MD) NO.23044 of 2017
11.11.2019

KM/(27.11.2019) 3P 6C