



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

W.P. (MD) No.12642 of 2020

Seenivasan

... Petitioner

-vs-

1.The District Collector,
Madurai District, Madurai.

2.The Tahsildar,
Peraiyur Taluk,
Madurai District.

3.The President,
Athipatti Village Panchayat,
Sedapatti Panchayat Union,
Madurai District.

4.Inbam

5.Durairaj

6.Juliet

7.Chinnathambi

8.Rasammal

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the encroachment in S.F.Nos.319/1 and 319/7 which situates at Ramasampuram in Athipatti Village, Sedapatti Panchayat Union, Peraiyur Taluk, Madurai District made by the respondents 4 to 8 on the basis of the Petitioner's representation dated 22.7.2020 within the time frame fixed by this Court.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.B.Bhagawathi

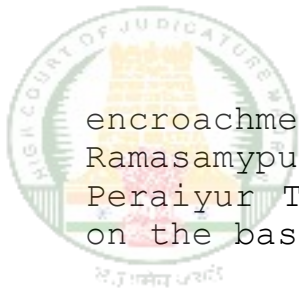
1 to 3

Additional Govt.Pleader

O R D E R

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

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 3 to remove the



encroachment in S.F.Nos.319/1 and 319/7 which situates at Ramasampuram in Athipatti Village, Sedapatti Panchayat Union, Peraiyur Taluk, Madurai District made by the respondents 4 to 8 on the basis of the Petitioner's representation, dated 22.7.2020.

2. Heard Mr.T.Vadivelan, learned counsel appearing for the Petitioner and Mr.B.Bhagawathi, learned Additional Government Pleader, who takes notice on behalf of the respondents 1 to 3.

3. By consent of both parties, this Writ Petition is disposed of at the admission stage itself.

4. It is the case of the Petitioner that he is basically an agriculturist. It is stated that S.No.310/1 for an extent of 1.53.0 hectares is classified as 'Government Poramboke Oorani' and Athipatti S.F.No.319/7 for an extent of 0.60.5 hectares is classified as 'Government Poramboke Pathway(road)'. The grievance of the Petitioner is that the private respondents have encroached upon the lands in S.Nos.319/1 and 319/7, despite the fact that the local Panchayat had passed a resolution on 20.4.2007. The general public of the Athipatti village gave a representation to the respondents on 10.8.2015 for removal of encroachment made by the fifth respondent and the second respondent removed the said encroachment. However, subsequently, the private respondents have been encroaching the land referred to supra, which had caused obstruction to the water course. Hence the Petitioner made a representation to the official respondents on 22.7.2020 seeking removal of encroachment by the private respondents. Since no action was taken by the third respondent, another representation was sent to the official respondents on 8.8.2020. Even then, encroachments were not removed. Hence the present Writ Petition.

5. The learned counsel appearing for the Petitioner would submit that it would suffice to dispose of the Writ Petition with a direction issued to the second respondent to dispose of the representation of the Petitioner, in accordance with law.

6. Mr.B.Bhagawathi, learned Additional Government Pleader appearing for the respondents 1 to 3 also submitted that the second respondent is the competent authority and he is ready to consider the grievance of the Petitioner.

7. In the light of the submissions made by the learned counsels appearing on either side and also considering the limited scope of the prayer sought for in the Writ Petition, this Writ Petition is disposed of, directing the second respondent to pass orders on the representation of the Petitioner, dated 8.8.2020 on merits and in accordance with law after affording ample opportunity to the Petitioner and the private respondents 4 to 8,



as expeditiously as possible, preferably, within a period of three months from the date of receipt of a copy of this order. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2020

Sub Assistant Registrar(CS)

vsn

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To:

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Tahsildar,
Peraiyur Taluk,
Madurai District.
- 3.The President,
Athipatti Village Panchayat,
Sedapatti Panchayat Union,
Madurai District.

ORDER MADE IN

W.P. (MD) No.12642 of 2020

25.09.2020

VR(CO)

KM (09.10.2020) 3P 4C