



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM:

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.13854 of 2020

A.Selvaraj

... Petitioner

Vs.

- 1) The District Collector,
Tenkasi District, Tenkasi.
- 2) The Assistant Director(Panchayat),
N.G.O.Colony,
Tirunelveli District,
Tirunelveli.
- 3) The Special Officer,
Special Grade Town Panchayat,
Alangulam,
Thenkasi District.
- 4) Selvin Ram,
Sanitary Supervisor,
Alangulam Special Grade Town Panchayat,
Tenkasi District.
- 5) Maideen Kader,
Office Clerk,
Alangulam Special Grade Town Panchayat,
Tenkasi District.
- 6) Arul,
Office Assistant,
Alangulam Special Grade Town Panchayat,
Tenkasi District.

7) Mathi @ Madasamy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 22.09.2020 passed in Na.Ka.No.8/2020/A1 by the 3rd respondent and quash the same and consequently directing the respondents 1 to 3 to conduct proper enquiry as against the respondents 4 to 6 by considering the petitioner's representation dated 05.09.2020 and 10.09.2020 within a stipulated period as framed by this Court.



For Petitioner: Mr.A.Sankararamasubramanian

For RR 1 & 2 : Mr.C.Ramesh,
Special Government Pleader.

For R-3 : Mr.K.Mu.Muthu,
Additional Government Pleader.

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O R D E R

Mr.C.Ramesh, learned Special Government Pleader accepts notice for the respondents 1 & 2. By consent of both sides, this writ petition is taken up for final disposal at the stage of admission itself.

2. This Writ Petition has been filed challenging the order dated 22.09.2020 passed by the third respondent.

3. It is the case of the petitioner that, in the impugned order, dated 22.09.2020, the third respondent has rejected the representation of the petitioner seeking for action against the encroaching shop owners, who according to him, have encroached upon the petitioner's shop. According to the petitioner, the shop has been licensed to the petitioner as well as the seventh respondent by the third respondent Panchayat. In view of the alleged encroachment made by the seventh respondent, the petitioner has given a complaint to the third respondent to take action against him.

4. Mr.C.Ramesh, learned Special Government Pleader appearing for the respondents 1 and 2 would submit that, both the petitioner as well as the seventh respondent are encroachers and there is a dispute between them. However, by the impugned order, the above said complaint was rejected on the ground that, W.P.(MD) No.15141 of 2018, dated 22.09.2020 is pending against the petitioner before this Court for the reason that, the petitioner is also an encroacher.

5. The learned counsel for the petitioner submits that, the above said writ petition was dismissed as withdrawn on 21.12.2018 and therefore, the impugned order passed by the third respondent has to be necessarily quashed, as it has been passed arbitrarily and without any basis.

6. This Court is in agreement with the submission made by the learned counsel for the petitioner as the reason for rejection of the petitioner's complaint is arbitrary and without any basis, since the writ petition in W.P.(MD) No.15141 of 2018 filed against the petitioner by another person has already been dismissed as withdrawn as early as on 21.12.2018.



7. In the result, the impugned order, dated 22.09.2020 passed by the third respondent is hereby quashed and this Court directs the third respondent to consider the representations of the petitioner dated 05.09.2020 and 10.09.2020 afresh and after giving proper notice to all the aggrieved parties, including the seventh respondent, hold an enquiry and pass final orders within a period of eight(08) weeks from the date of receipt of a copy of this order.

8. With the aforesaid directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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,
Tenkasi District, Tenkasi.
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Tirunelveli District,
Tirunelveli.
- 3) The Special Officer,
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Alangulam,
Thenkasi District.

+1 CC to SGP (SR-19437[F] dated 08/10/2020)

Order made in

W.P. (MD)No.13854 of 2020

Dated:

07.10.2020

SS (CO)

NR (02/11/2020) 3P : 5C

<https://hcservices.ecourts.gov.in/hcservices/>