



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.24838 of 2021
and
W.M.P.Nos.26125 and 26128 of 2021

Kowsalya Thangavelu

Vs.

...Petitioner

1.The District Collector,
Tiruppur District,
Tiruppur - 641 601.

2.The Revenue Divisional Officer,
Tiruppur Revenue Division,
Tiruppur District - 641 601.

3.The Tashildar,
Avinashi Taluk,
Tiruppur District - 641 654.

4.The Block Development Officer,
Avinashi Block Development Officer,
Tiruppur District - 641 601.

5.Chitra

6.Duraisamy

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the official respondent to remove the encroachment in Survey No.115, Suripalayam, Thekkalur Village, Avinashi West Frika, Avinashi Taluk, Tiruppur District by disposing the petitioner's representation dated 28.10.2021 and within the time fixed by this Court.



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For petitioner : Mr.B.Manoharan

For respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader
(for R1 to R3)
Mr.D.Ravichander
Standing Counsel (for R4)

ORDER

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

Heard Mr.B.Manoharan, learned counsel for the petitioner, Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader appearing for the respondents 1 to 3 and Mr.D.Ravichander, learned Additional Standing Counsel appearing for the fourth respondent.

2. By consent of the parties, the Writ Petition is taken up for final hearing at the admission stage itself.

3. The petitioner has come forward with this Writ Petition for issuance of a Writ of Mandamus, directing the official respondents to remove the encroachment in Survey No.115, Suripalayam, Thekkalur Village, Avinashi West Frika, Avinashi Taluk, Tiruppur District by disposing her representation dated 28.10.2021.

4. The petitioner would claim that she is the owner of the land measuring to an extent of 1.13 Acres in S.No.116/A of Thekkalur Village, Avinahsi Taluk. Adjoining the said land, a small water body is situated in Survey No.115 and rain water is drained through the said land. It is alleged that the fifth respondent has encroached upon the water body and dumped materials in order to grab the property to an extent of 35 cents.

5. The learned counsel appearing for the petitioner Mr.B.Manoharan, would state that it would suffice if a direction is issued to the third respondent to consider the representation of the petitioner.

6. The learned Additional Government Pleader Mr.L.S.M.Hasan Fizal appearing for the respondents 1 to 3 would submit that the third respondent has received representation from the petitioner and he is ready to take action in accordance with law.



7. In the light of the limited scope of the prayer sought for in the Writ Petition and the submissions of the learned counsels appearing on either side, this Court, without expressing any opinion on the merits of the matter, directs the third respondent to pass orders on the representation of the petitioner dated 28.10.2021 on merits and in accordance with law after affording ample opportunity to the necessary parties, within a period of six months.

8. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

skn

To

- 1.The District Collector,
Tiruppur District,
Tiruppur - 641 601.
- 2.The Revenue Divisional Officer,
Tiruppur Revenue Division,
Tiruppur District - 641 601.
- 3.The Tashildar,
Avinashi Taluk,
Tiruppur District - 641 654.
- 4.The Block Development Officer,
Avinashi Block Development Officer,
Tiruppur District - 641 601.

+1cc to Mr.B.Manohar, Advocate SR.No.60329
+1cc to Government Pleader, SR.No.60632

W.P.No.24838 of 2021
and
W.M.P.Nos.26125 and 26128 of 2021

VG II (CO)
GN (13/12/2021)