



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.11.2021

CORAM:

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

W.P. NO.24846 OF 2021
AND
WMP.NOS.26136 AND 26138 OF 2021

Rahul Prasath Thangavelu

...Petitioner

Versus

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

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

3.The Tahsildar,
Avinashi Taluk,
Tiruppur District 641 654.

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

5.M.Chinnammal

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Mandamus, directing the official respondents to remove the encroachment in Survey No.765, Thekkalur Village, Avinashi West Frika, Avinashi Taluk, Tiruppur District by disposing petitioner representation dated 28.10.2021 and within the time fixed by this Court.

For petitioner : Mr.B.Manoharan

For respondents
for RR1 to 3 : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

for R4 : Mr.V.P.R.Ilamparithi
Additional Government Pleader



ORDER

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

WEB COPY

The Writ Petition is heard through video conferencing.

2. 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.V.P.R.Ilamparithi, learned Additional Government Pleader appearing for the fourth respondent.

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

4. 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.765, Thekkalur Village, Avinashi West Frika, Avinashi Taluk, Tiruppur District by considering his representation dated 28.10.2021.

5. The petitioner would claim that he owns land in Survey No.515/A at Thekkalur Village and on the southern side of his land a tank is situated in Survey No.765 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.

6. 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.

7. 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.

8. 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.



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

WEB COPY

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

pvs

To

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

+1cc to Mr.B.Manoharan, Advocate, S.R.No.60204

+1cc to the Government Pleader, S.R.No.60646

W.P. No.24846 of 2021

SSI(CO)
RVM(03/12/2021)