



WEB COPY

W.P.(MD) No.498 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2021

CORAM :

The Hon'ble Mr.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

The Hon'ble Mrs.JUSTICE R.HEMALATHA

W.P. (MD) No.498 of 2020

and

W.M.P (MD) No.375 of 2020

P.Ponnusamy

.. Petitioner

Vs

1. The District Collector,
Tenkasi District,
Collectorate, Tenkasi.

2. The Commissioner,
Kadayanallur Municipality,
Kadayanallur,
Tenkasi District.

3. Mathiyalagan,
S/o. Ramasamy
(3rd respondent is impleaded vide
order dated 24.02.2021 made in
W.M.P(MD)No.2443 of 2020 in
W.P. (MD)No.498 of 2020)

.. Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified Mandamus, to call for the records in pursuant to the impugned order passed by the 2nd respondent in Na.Ka.No.1645/2018/F1 dated 09.12.2019 and quash the same and consequently direct the 2nd respondent to consider the petitioner's representation dated 06.06.2018 under Section 183(1) & (2) of Tamil Nadu District Municipalities Act, 1920, within a stipulated time.

For Petitioner

: Mr.R.Mathiyalagan

For Respondents

: Mr.K.P.Krishnadoss,
Special Govt.Pleader
for R1
Mr.K.Govindarajan for R2
Mr.D.Venkatesh for R3



ORDER

[Order of the Court was made by ***The Hon'ble Chief Justice***]

The petitioner complains of encroachment. Though a previous representation may have been made, the petitioner is permitted to make a fresh representation within four weeks from the date to the 2nd respondent, whereupon the 2nd respondent will consider the same within six weeks of the receipt thereof. The 2nd respondent will act in accordance with law and afford a reasonable opportunity of hearing to all the persons who may be affected by the order. The added respondent herein must be heard.

2. It is recorded that the added party alleges that the petitioner is an encroacher. Such allegation has been vehemently disputed by the petitioner.

3. In the event the petitioner or any other is dissatisfied with the relevant order of the 2nd respondent, such person may pursue his remedy in accordance with law, but otherwise than by way of a public interest litigation and upon establishing his *locus standi*.

4. W.P.(MD)No.498 of 2020 is disposed of without any order as to costs. W.M.P(MD)No.375 of 2020 is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

smn-2/pkn

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.

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



To:

1. The District Collector,
Tenkasi District,
Collectorate, Tenkasi.

2. The Commissioner,
Kadayanallur Municipality,
Kadayanallur,
Tenkasi District.

+1 CC to Mr.R.MATHIYALAGAN, Advocate (SR-6936[F] dated 24/02/2021)

+1 CC to Mr.D.VENKATESH, Advocate (SR-7085[F] dated 25/02/2021)

+1 CC to SPL GP (SR-7327[F] dated 25/02/2021)

+1 CC to Mr.M.RAJARAJAN, Advocate (SR-7463[F] dated 26/02/2021)

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24.02.2021

KM (05.03.2021) 3P 7C