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W.P.(MD) No.6552 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.(MD) No.6552 of 2021

and

W.M.P(MD).No.5097 of 2021

A.P.Arjunan

.. Petitioner

Vs

1. The District Collector,
Virudhunagar District, Virudhunagar.

2. The Tahsildar,
Rajapalayam Taluk, Rajapalayam,
Virudhunagar District.

3. The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.

4. Thangaraj ... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments caused by the fourth respondent or any other person in Town Survey No.4, Block E, Ward No.8, Singarajakottai Andathamman Kovil Street, Pudhupalayam Village, Rajapalayam Town within a time frame as may be prescribed by this Court.

For Petitioner : Mr.Y.Prakash

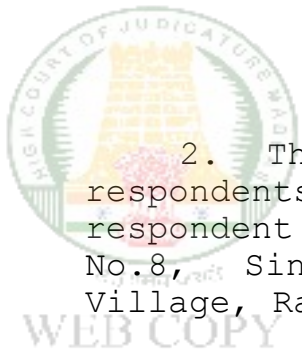
For respondents : Mr.A.K.Manikkam,
Standing Counsel for
Government
for R1 and R2
Mr.N.Dilip Kumar for R3

ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.Y.Prakash, learned Counsel appearing for the writ petitioner; Mr.A.K.Manikkam, learned Government Counsel appearing for the respondents 1 and 2 and Mr.N.Dilip Kumar, learned counsel appearing for the third respondent.

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



2. The writ petitioner seeks for a direction upon the respondents 1 to 3 to remove the encroachments caused by the fourth respondent or any other person in Town Survey No.4, Block E, Ward No.8, Singarajakottai Andathamman Kovil Street, Pudhupalayam Village, Rajapalayam Town.

3. The learned Government Counsel appearing for the respondents 1 and 2 submitted that survey has already been conducted and *prima facie* seen there is no encroachment.

4. In any event, since the District Collector has already directed that the representation to be considered, a reply has to be sent to the petitioner about the state of affairs. Because, in page No.5 of the typed set of papers, the photograph has been shown, where a structure with thatched roof in front is shown to be the encroachment and according to the petitioner, the property in survey field S.F.No.4 is classified as 'Sarkar Poramboke'. A reply be send to the petitioner within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, this **writ petition stands disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

To:

1. The District Collector,
Virudhunagar District, Virudhunagar.
2. The Tahsildar,
Rajapalayam Taluk, Rajapalayam,
Virudhunagar District.



3. The Municipal Commissioner,
Rajapalayam Municipality,
Rajapalayam, Virudhunagar District.

+1 CC to M/s.GP (SR-23316[F] dated 20/07/2021)

W.P.(MD) No.6552 of 2021

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ES(CO)

LR (30.07.2021) 3P 5C