



WEB COPY

W.P.[MD]No.10029 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.10029 of 2021

Shanmugam

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District, Virudhunagar.
2. The Tahsildar,
Srivilliputhur Taluk,
Srivilliputhur, Virudhunagar District.
3. The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur, Virudhunagar District.
- 4 .Ranjitham
5. Pappu @ Mariyappan
6. Mr.Muniyandi, S/O.Perumal
7. Mrs.Muniyandi, W/o.Perumal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 7 in Town Survey No.856/47 at V.O.C Nagar, Righttanpatti, Singammalpuram, Srivilliputhur Town, Virudhunagar District by considering the petitioner's representation dated 13.12.2020.

For Petitioner	: Mr.M.Solaisamy
For Respondents	
Nos. 1 and 2	: Mr.R.Baskaran
	Standing counsel for Government
For Respondent No.3	: Mr.P.Srinivas
	Standing Counsel

O R D E R

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

With the consent on either side, the Writ Petition itself is taken up for final disposal.

<https://hcservices.courtsgov.in/hcservices/>



2.Heard Mr.M.Solaisamy, learned Counsel appearing for the petitioner, Mr.R.Baskaran, learned Standing Counsel for Government appearing for the first and second respondents and Mr.P.Srinivas, learned Standing Counsel appearing for the third respondent.

3.The petitioner has filed this Writ Petition seeking for a direction upon the respondents 1 to 3 to remove the encroachment made by the respondents 4 to 7 in Town Survey No.856/47 at V.O.C Nagar, Righttanpatti, Singammalpuram, Srivilliputhur Town, Virudhunagar District, by considering his representation dated 13.12.2020.

4.Since we are disposing of this writ petition without notice to the respondents 4 to 7, we are not inclined to issue any positive direction.

5.The learned Standing Counsel for the third respondent, on instructions, submitted that survey has been conducted and encroachments have been noted and action will be initiated in accordance with law.

6.In the light of the said submission, we direct the third respondent to issue notice to the respondents 4 to 7 and all other encroachers as well, grant them time to give their reply / objections and afford them an opportunity to submit necessary documents and after considering their reply and the documents, if any, a speaking order be passed by the third respondent. This direction be complied with within a period of eight [8] weeks from the date of receipt of a copy of this order. In the event it is found that there is encroachment, the respondents 4 to 7 should be granted reasonable time to remove the encroachments by themselves and only upon their failure to do so, action can be initiated by the third respondent for removal of encroachments departmentally.

7.With the above direction, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

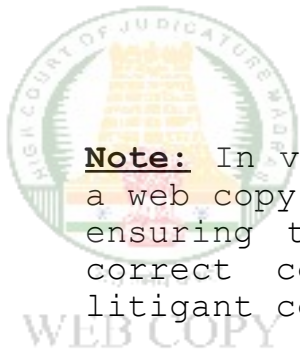
Assistant Registrar (W)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

MR



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,
Srivilliputhur Taluk,
Srivilliputhur,
Virudhunagar District.
3. The Commissioner,
Srivilliputhur Municipality,
Srivilliputhur,
Virudhunagar District.

+1 CC to M/s.P.SRINIVAS, Advocate (SR-22001[F] dated 09/07/2021)

ORDER MADE IN
W.P. [MD]No.10029 of 2021

09.07.2021

USK (04.01.2022) 3P 5C