



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.06.2021

CORAM:

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
and

THE HON'BLE MR.JUSTICE T.S.SIVAGNANAM

W.P. (MD) No.10517 of 2021

WEB COPY

D.Asohan

... Petitioner

-vs-

1.The District Collector
District Collectorate
Virudhunagar
Virudhunagar District

2.The Municipal Commissioner
Aruppukottai Municipal Officer
Aruppukottai
Virudhunagar District

3.The Thasildhar
Thasildhar Office
Aruppukottai
Virudhunagar District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to consider the representation dated 25.05.2021 and to remove the encroachment made upon in the namely Utchi Chettiayar Street, Aruppukottai Municipality, Aruppukottai Taluk, Virudhunagar District.

For Petitioner : Ms.Bharathi.S.

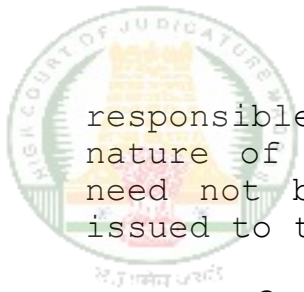
For Respondents : Mr.A.K.Manickam
Standing Counsel for Government for R1 & R3
Mr.N.Dilip Kumar for R2

O R D E R

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

The petitioner complains that some private parties have illegally constructed a temple on Government land and despite the petitioner's representation of 25 May, 2021 to the Aruppukottai municipality, no action has been taken against the illegal construction.

2. The petitioner has, however, not impleaded the persons



responsible for the alleged encroachment. However, in view of the nature of the order proposed to be made, the alleged encroachers need not be impleaded nor any previous notice is required to be issued to them.

3. Mr.N.Dilip Kumar, learned counsel, appears for the second respondent - Municipality.

4. The Municipal Commissioner of Aruppukkottai municipality, will look into the petitioner's representation of May 25, 2021, conduct an inquiry upon giving due opportunity of hearing to both the petitioner and the alleged encroachers and take an appropriate decision thereon as expeditiously as possible and, preferably, within eight weeks of the receipt of a copy of this order. If any encroachment on Government land is found, necessary remedial measures have to be taken without undue delay.

5. It is hoped that if any encroachment is found, appropriate measures would have been taken and the encroachments removed, within six weeks of the completion of the enquiry.

6. W.P.(MD) No.10517 of 2021 is disposed of without any order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

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To:

1.The District Collector,
District Collectorate,
Virudhunagar,
Virudhunagar District.



2.The Municipal Commissioner,
Aruppukottai Municipal Office,
Aruppukottai, Virudhunagar District.

3.The Thasildhar,
Thasildhar Office,
Aruppukottai,
Virudhunagar District.

+1 CC to M/s.S.BHARATHI, Advocate (SR-20076[F] dated 24/06/2021)

+1 CC to M/s.N.DILIP KUMAR, Advocate (SR-20273[F] dated
25/06/2021)

+1 CC to M/s.SPL GP (SR-20300[F] dated 25/06/2021)

W.P. (MD) No.10517 of 2021
24.06.2021

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