



WEB COPY

W.P.[MD]No.10942 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. [MD]No.10942 of 2021

A.S.Ahamed Khan

... Petitioner

Vs.

1.The District Collector,
Collectorate Buildings,
Tirunelveli.

2.The Tahsildar,
Tirunelveli.

3.The Commissioner,
Corporation Office,
Tirunelveli.

4.Jananfa Mohammed Dowbika,
W/o. Janaf Mahaideen Masthan,
No.112, Hameempuram South Street,
Melapalayam, Palayankottai Taluk,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the third respondent to consider the representation of the petitioner dated 01.06.2021, for removal of encroachment and illegal construction made by the fourth respondent in the Government road Poramboke land in Old Survey No.490/1 and 490/2P, T.S.Nos.7, 8 of Melapalayam Village, Palayankottai Taluk, Tirunelveli District.

For Petitioner : Mr.S.Karthik

For R1 to R3 : Mr.R.Baskaran
Standing Counsel for Government

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://easervices.courts.gov.in/easervices/>



2.Heard Mr.S.Karthik, learned Counsel appearing for the petitioner and Mr.R.Baskaran, learned Standing Counsel for Government appearing for R1 to R3.

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3.This Writ Petition has been filed alleging that the fourth respondent has encroached a Government land which is classified as Pattai. In this regard, a representation was given by the petitioner on 01.06.2021, which has been sent by speed post. Complaining that no action has been initiated on the said representation, the petitioner is before this Court. It is further stated that the fourth respondent is proceeding with the construction in a hectic pace and immediate action is required.

4.Since we dispose of the writ petition without notice to the fourth respondent, we cannot issue any positive direction. Nevertheless, if there is any encroachment in a pathway and if the allegation made by the petitioner is correct, then action has to be initiated by the respondents 2 and 3.

5.Therefore, we dispose of the writ petition by directing the respondents 2 and 3 to consider the representation of the petitioner dated 01.06.2021 and direct an inspection to be conducted at the place, after notice to the petitioner and the fourth respondent and take action in accordance with law. In order to enable the respondents 2 and 3 to comply with this direction, the petitioner is directed to send a copy of the representation along with a copy of this order to the respondents 2 and 3 within three [3] days from the date on which the order copy is received.

6.Accordingly, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

// 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.



To

1.The District Collector,
Collectorate Buildings,
Tirunelveli.

2.The Tahsildar,
Tirunelveli.

3.The Commissioner,
Corporation Office,
Tirunelveli.

+1 CC to SPECIAL GOVERNMENT PLEADER SR 21197

ORDER MADE IN
W.P. [MD]No.10942 of 2021

LS

TR (12.07.2021) 3P 5C