



WEB COPY

W.P/[MD]No.12120 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.12120 of 2021

Sedmohamed

... Petitioner

Vs.

1.The District Collector,
Pudukkottai District.

2.The Tahsildar,
Avadaiyar Kovil Taluk,
Pudukkottai District.

3.The Block Development Officer,
Avadiarkovil Panchayat Union,
Pudukkottai District.

4.The Assistant Engineer,
Public Works Department (PWD),
Aranthangi,
Pudukkottai.

5.Ragmath Nisha

6.Meeramaitheeen

7.Asma Beevi

8.Nagoor Kani

9.Asees

10.Mahamatha Beevi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein to take immediate action for removal of the illegal encroachments made by respondents 5 to 10 made in S.No.78 and also survey Nos.82, 84, 85, 86, 88 and 89 situated at Pudu Vakkadu Village, Thondaimanenthal Panchayat, Avadaiyar Kovil Taluk, Pudukkottai District, by considering the petitioner's representation dated 03.05.2021 within the time stipulated by this Court.

For Petitioner : Mr.S.Sathya Chithambaram

For Respondents 1,2 & 4 : Mr.R.Baskaran
Standing Counsel for Govt.,

For Respondent No.3 : Mr.B.Saravanan
Government Advocate



O R D E R

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

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

2.We have heard Mr.S.Sathya Chithambaram, learned Counsel appearing for the petitioner, Mr.R.Baskaran, learned Standing Counsel for Government appearing for respondents 1, 2 & 4 and Mr.B.Saravanan, learned Government Advocate appearing for the third respondent.

3.The petitioner seeks for a direction upon the official respondents to consider his representation dated 03.05.2021 and to remove the encroachments made by the respondents 5 to 10.

4.Since we are disposing of the writ petition without notice to the respondents 5 to 10, we are not inclined to issue any positive direction.

5.Needless to state that if there is any encroachment, the authorities cannot be a silent spectator.

6.V.Saravanan, learned Government Advocate appearing for the third respondent submitted that the land in question is classified as 'Vari Poramboke' and the appropriate department that can take action is the Public Works Department.

7.In the light of the above, we dispose of the writ petition by directing the fourth respondent to consider the representation dated 03.05.2021, issue notice to the respondents 5 to 10 as well as the petitioner, conduct an enquiry, provide reasonable opportunity and thereafter, take action in accordance with law. The petitioner is directed to enclose a copy of this order as well as the copy of the representation dated 03.05.2021 and forward the same to the fourth respondent. This direction be complied with as expeditiously as possible, preferably within a period of three [3] months from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (T&P)

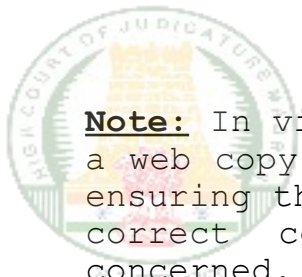
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/ /2021

Sub Assistant Registrar(CS)

MR

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



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,
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- 2.The Tahsildar,
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Pudukkottai District.
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- 4.The Assistant Engineer,
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RD(30.07.2021) 3P 5C