



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2021

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)Nos.3343 of 2019 and 18517 of 2020

and

W.M.P. (MD)Nos.15479 of 2020 & 3125 of 2021

in W.P. (MD)No.18517 of 2020

W.P. (MD)No.3343 of 2019:-

Micheal, S/o.Amirtham

... Petitioner

Vs.

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Trichy East Taluk, Trichy.

3.The Tahsildar,
Thiruverumbur Taluk,
Thiruverumbur, Trichy.

4.The Revenue Divisional Officer,
Trichy.

5.The Tiruchirappalli City Corporation,
Rep. by its Commissioner,
Trichy.

6.The Block Development Officer (உள),
Office of the Panchayat Union,
Thiruverumbur, Trichy.

7.J.S.Leron Moraice

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 6 herein to evict the encroachment, situated in Kottapattu Village, Trichy East Taluk and Gundur Village in Thiruverumbur Taluk, by the seventh respondent, on the basis of the order of the first respondent, dated 24.07.2017 and fourth respondent, dated 12.07.2017.



For Petitioner : Mr.S.Karthick Subramanian
For R1 to R4 : Mr.K.Mu.Muthu
Additional Government Pleader
For R5 : Mr.N.S.Karthikeyan
For R6 : Mr.P.Kannithevan
Additional Government Pleader
For R7 : Mr.J.Ganesh Kumar

W.P. (MD) No.18517 of 2020:-

Senthilkumar, S/o.Boominathan ... Petitioner

Vs.

- 1.The District Collector,
Trichy District.
- 2.The Revenue Divisional Officer,
Trichy.
- 3.The Tahsildar,
Thiruverumbur Taluk,
Thiruverumbur, Trichy.
- 4.The Deputy Director of Town and Country Planning,
Trichy Region,
Kajamalai Main Road,
Kajamalai,
Trichy - 23.
- 5.The Block Development Officer (Village Panchayat),
Office of the Panchayat Union,
Thiruverumbur, Trichy.
- 6.J.S.Leyron Morais ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to evict the encroachment made by the sixth respondent, situated in S.F.Nos.197, 198, 202, 203, 204, 205 and other Survey Numbers in Keelakurichi Village, Thiruverumbur Taluk, Trichy District, and consequently, directing the respondents 4 and 5 to cancel the approval granted for the layout of Marais City,



situated in Trichy - Pudukkottai Main Road, Trichy, based on the petitioner's representations, dated 14.05.2020 and 29.07.2020.

For Petitioner : Mr.S.Krishnan
For R1 to R4 : Mr.K.Mu.Muthu
Additional Government Pleader
For R5 : Mr.J.Gunaseelan Muthiah
Additional Government Pleader
For R6 : Mr.T.Lajapathi Roy

COMMON ORDER

(Order of the Court was made by M.M.SUNDRESH, J.)

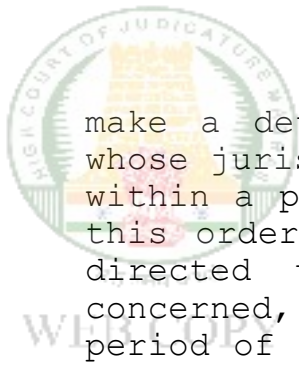
As the private respondent in both the Writ Petitions are one and the same and the relief sought for is also similar, we are disposing of these Writ Petitions by a common order.

2.W.P.(MD) No.3343 of 2019 has been filed seeking a direction to respondent Nos.1 to 6 to evict the encroachment, situated in Kottapattu Village, Trichy East Taluk and Gundur Village in Thiruverumbur Taluk, by the seventh respondent, on the basis of the order of the first respondent, dated 24.07.2017 and fourth respondent, dated 12.07.2017. W.P.(MD) No.3343 of 2019 has been filed seeking a direction to respondent Nos.1 to 3 to evict the encroachment made by the sixth respondent, situated in S.F.Nos.197, 198, 202, 203, 204, 205 and other Survey Numbers in Keelakurichi Village, Thiruverumbur Taluk, Trichy District, and consequently, to direct the respondents 4 and 5 to cancel the approval granted for the layout of Marais City, situated in Trichy - Pudukkottai Main Road, Trichy, based on the petitioner's representations, dated 14.05.2020 and 29.07.2020.

3.Heard the learned counsels appearing for the parties and perused the materials available on record.

4.Though allegations and counter allegations are made, we are not inclined to go into the merits of the same. Insofar as W.P.(MD) No.18517 of 2020 is concerned, the representation dated 29.07.2020, made by the petitioner to respondent No.3, is still pending consideration. In such view of the matter, respondent No.3 is directed to consider the representation of the petitioner, dated 29.07.2020 and after hearing the parties, pass orders on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

5.Insofar as W.P.(MD) No.3343 of 2019 is concerned, no representation is pending. Hence, the petitioner is given liberty to



make a detailed representation to the concerned authority, under whose jurisdiction the land situate, along with a copy of this order within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the concerned authority is directed to consider the same and after hearing the parties concerned, pass orders on merits and in accordance with law within a period of six weeks from the date of receipt of the representation.

6. These Writ Petitions are disposed of with the above directions. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sj

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,
Trichy District, Trichy.
2. The Tahsildar,
Trichy East Taluk, Trichy.
3. The Tahsildar,
Thiruverumbur Taluk,
Thiruverumbur, Trichy.
4. The Revenue Divisional Officer,
Trichy.
5. The Commissioner,
Tiruchirappalli City Corporation,
Trichy.



6.The Block Development Officer (Village Panchayat),
Office of the Panchayat Union,
Thiruverumbur, Trichy.

7.The Deputy Director of Town and Country Planning,
Trichy Region, Kajamalai Main Road,
Kajamalai, Trichy - 23.

+1 CC to Mr. Special Government Pleader, SR.No. 12263

+1 CC to Mr.A.V.RAJASEKARAN, Advocate SR.No. 11687

+1 CC to Mr.T.LAJAPATHI ROY, Advocate SR.No. 11630

+1 CC to Mr.B.RAJESSARVANAN, Advocate SR.No. 11628

Common order in

W.P. (MD)Nos.3343 of 2019 and 18517 of 2020

16.03.2021

SRK(CO)

TR(31.03.2021) 5P 12C