



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]No.12699 of 2021

and

W.M.P.[MD]No.9894 of 2021

A.Thangavel

... Petitioner

Vs.

1. The District Collector,
Trichy District, Trichy.

2. The Block Development Officer,
Marungapuri Union,
Marungapuri Taluk,
Trichy District, Trichy.

3. The Block Education Officer,
Marungapuri Block Education Office,
Kovilpatti, Trichy District.

4. The President,
Thalampadi Village Panchayat,
Marungapuri Panchayat Union,
Trichy District.

5. G.Vengudusamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents 2 and 4 from demolishing the front portion of the Petitioner's house comprised in Survey Nos.61/16 and 61/17 situated at Thalampadi, Yagapuram, Kovilpatti Via, Marungapuri Union, Marungapuri Taluk, Trichy District under the guise of encroachment not otherwise than due process of law beside directing them to issue proper notice to the petitioner in the light of the order dated 09.06.2021 passed by this Hon'ble Court in W.P.(MD) No.9918 of 2021 in the nature of providing him an opportunity of personal hearing as per the law of the land based on his representation notice dated 07.10.2020 and 21.11.2020 sent through his counsel pending on the file of the Respondents 1 to 4 herein.

For Petitioner

: Mr.B.Prahalad Ravi

For Respondents 1 & 2

: Mr.A.K.Manikkam

Standing Counsel for Government

For Respondent No.3

: Mr.A.Baskaran

Standing Counsel for Government



For Respondent No.5

: Mr.V.Paneer Selvam

O R D E R

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

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

2.Heard Mr.B.Prahalad Ravi, learned Counsel appearing for the petitioner, Mr.A.K.Manikkam, learned Standing Counsel for Government appearing for the respondents 1 & 2, Mr.A.Baskaran, learned Standing Counsel for Government appearing for the third respondent and Mr.V.Panneer Selvam, learned Counsel appearing for the fifth respondent.

3.This writ petition has been filed praying for a Writ of Mandamus, forbearing the respondents 2 and 4 from demolishing the front portion of the Petitioner's house comprised in Survey Nos.61/16 and 61/17 situated at Thalampadi, Yagapuram, Kovilpatti Via, Marungapuri Union, Marungapuri Taluk, Trichy District under the guise of encroachment not otherwise than due process of law beside directing them to issue proper notice to the petitioner in the light of the order dated 09.06.2021 passed by this Hon'ble Court in W.P. (MD) No.9918 of 2021 in the nature of providing him an opportunity of personal hearing as per the law of the land based on his representation notice dated 07.10.2020 and 21.11.2020 sent through his counsel pending on the file of the Respondents 1 to 4 herein.

4.Prima facie we are satisfied that there is encroachment. The authorities are directed to inspect the property and measure the encroachment and thereafter give three [3] days time to the petitioner to remove the encroachment, if there is encroachment. In spite of that if the petitioner does not remove the encroachment, the authorities shall remove the same and the cost shall be recovered from the petitioner.

5.With the above observation, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

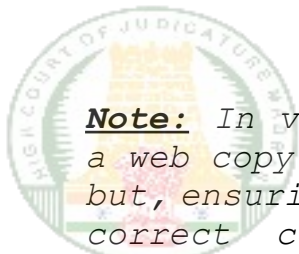
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/ /2021

Sub Assistant Registrar(CS)

MR

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To

1. The District Collector,
Trichy District, Trichy.
2. The Block Development Officer,
Marungapuri Union,
Marungapuri Taluk,
Trichy District, Trichy.
3. The Block Education Officer,
Marungapuri Block Education Office,
Kovilpatti, Trichy District.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate (SR-24246[F] dated 28/07/2021)

+1 CC to M/s.SPL GP (SR-24393[F] dated 29/07/2021)

+1 CC to M/s.A.BASKARAN, Advocate (SR-24683[F] dated 30/07/2021)

W.P.[MD]No.12699 of 2021

28.07.2021

RD(5.08.2021) 3P 7C