



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.07.2021

CORAM :

WEB COPY

**THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND**

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.12879 of 2021

B.Maheswaran

... Petitioner

Vs

1. The District Collector,
Theni District,
Theni.
2. The Revenue Divisional Officer,
Office of the Revenue Division,
Uthamapalayam, Theni District.
3. The Thasildar,
Uthamapalayam Taluk,
Uthamapalayam, Theni District.
4. The Executive Officer,
C.Pudupatti Town Panchayat,
C.Pudupatti,
Uthamapalayam Taluk,
Theni District.
5. The Village Administrative Officer,
C.Pudupatti Village,
C.Pudupatti,
Uthamapalayam Taluk,
Theni District.

6. R.Vasagar

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 5 to remove the encroachment made by the sixth respondent in Survey Nos.1144/28 (274/1st Part), 1144/18 & 19, situated in C.Pudupatti village, Uthamapalayam Taluk, Theni District and consider the petitioner's representation dated 12.06.2021 within the time frame that may be stipulated by this Court.



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For Petitioner : Mr.K.Guhan
For respondents : Mr.R.Baskaran,
Standing Counsel for Government
for R1 to R3 and R5
Mr.R.Suresh Kumar,
Standing Counsel for Government for
R4

ORDER

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

We have heard Mr.K.Guhan, learned counsel appearing for the petitioner; Mr.R.Baskaran, learned Government Counsel appearing for the respondents 1 to 3 and 5 and Mr.R.Suresh Kumar, learned counsel appearing for the fourth respondent.

2. In the light of the action already initiated by the fourth respondent, we dispense with notice to the sixth respondent.

3. The petitioner filed this writ petition to direct the Authorities to remove the encroachment caused by the sixth respondent. Though action was initiated in the year 2019, no further steps were taken by the fourth respondent and it is not clear as to why the fourth respondent continued to remain silent. Only now, a notice has been issued on 09.07.2021 to the sixth respondent to remove encroachment by granting seven days time. Though the notice states that the encroachment should be removed without giving opportunity to the sixth respondent, the encroachment cannot be straight away removed.

4. Therefore, the fourth respondent is directed to issue a show cause notice calling upon the sixth respondent to show cause as to why the action should not be taken for removal of the encroachment giving all facts, which have been noted by the Tahsildar in his order dated 18.12.2020. After obtaining a reply from the sixth respondent, action should be taken for removal of encroachment. This direction be complied with within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above directions, this **Writ Petition stands disposed of**. No costs.

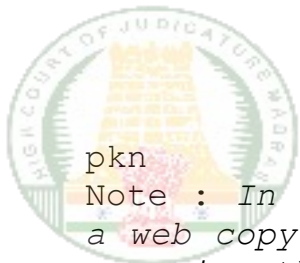
Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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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,
Theni District, Theni.
2. The Revenue Divisional Officer,
Office of the Revenue Division,
Uthamapalayam, Theni District.
3. The Thasildar,
Uthamapalayam Taluk,
Uthamapalayam, Theni District.
4. The Executive Officer,
C.Pudupatti Town Panchayat,
C.Pudupatti, Uthamapalayam Taluk,
Theni District.
5. The Village Administrative Officer,
C.Pudupatti Village,
C.Pudupatti, Uthamapalayam Taluk,
Theni District.

+1 CC to M/s.K.GUHAN, Advocate (SR-24243[F] dated 28/07/2021)

W.P. (MD) No.12879 of 2021
27.07.2021

RC (04.08.2021) 3P-7C