



WEB COPY

W.P.(MD) No.13126 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.13126 of 2021

M.Maheshkumar

... Petitioner

Vs

1.The District Collector,
Tirunelveli District,
at Tirunelveli.

2. The Revenue Divisional Officer,
Radhapuram Taluk,
Cheranmahadevi,
Tirunelveli District.

3. The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

4. The Block Development Officer,
Valliyoore Panchayat Union,
Valliyoore,
Tirunelveli District.

5. S.Paul

6. S.Sundaram

7. S.Velaiah

8. M.Muniyadhas

9. N.Paulkani

10. M.Sudalai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondent Nos.1 to 4 to consider the representation dated 28.12.2020 made by the petitioner herein for removing the Iron barbed fencing encroachment made by the respondent Nos.5 to 10 at in Old S.No.925/2 New S.No.1425 in levinchipuram village, Radhapuram Taluk, Tirunelveli District to the extent of 1.90 cents.

For Petitioner

: Mr.T.Sundaravadanam

For Respondents 1 to 3

: Mr.R.Baskaran

Standing Counsel for Government

For Respondent 4

: Mr.R.Gandhi Raj



ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Mr.R.Baskaran, learned Standing Counsel for the Government takes notice on behalf of the respondent Nos.1 to 3 and Mr.R.Gandhi Raj, learned counsel takes notice on behalf of the respondent No.4.

2.The grievance of the petitioner is that the private respondents have encroached a common area to set up a garage for the motor vehicle. The further grievance of the petitioner is that the official respondents have paid no heed to the petitioner's representation.

3.Without going into the merits of the petitioner's grievance, the third respondent Tahsildar is directed to look into the matter and take a decision in accordance with law after hearing both the petitioner and the private respondents.

4.For such purpose, the petitioner is permitted to carry a fresh written representation to the third respondent within a fortnight from date, whereupon the third respondent will afford an opportunity of hearing to both the petitioner and the private respondents before passing any order and taking appropriate steps in accordance with law.

5. Since the merits of the matter have not been gone into and the private respondents have been directed to be heard before any action is taken, no previous notice was required to be issued on the private respondents.

6. W.P.(MD)No.13126 of 2021 is disposed of. There will no order as to costs.

Sd/-

Assistant Registrar (A.D II)

// 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,
Tirunelveli District,
at Tirunelveli.

2. The Revenue Divisional Officer,
Radhapuram Taluk,
Cheranmahadevi,
Tirunelveli District.

3. The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.

4. The Block Development Officer,
Valliyoor Panchayat Union,
Valliyoor,
Tirunelveli District.

+1CC to Mr.T.Sundaravadanam, Advocate (SR24678)

+1CC to Special Government Pleader (SR24740)

W.P.(MD) No. 13126 of 2021
29.07.2021

SJ

RS (06.08.2021) 3P-7C