



WEB COPY

W.P(MD)No.14428 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14428 of 2021

Senthilkumar

... Petitioner

Vs.

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The Commissioner,
Pudukkottai Municipality,
Pudukkottai District.

3.The Revenue Divisional Officer,
Pudukkottai, Pudukkottai District.

4.The Tahsildar,
Pudukkottai, Pudukkottai District.

5.The President,
Mayandi Samy Madalaya Trust,
Adappanvayal 2nd Street,
Pudukkottai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to initiate action under section 182 and 216 of Tamilnadu District Municipality Act, 1920 to take appropriate action for removal of illegal encroachment in the Survey No.1916, Block No.26, TS No.1916, Adappanvayal 6th street, Pudukkottai District, on the basis of petitioner's representation, dated 27.04.2021 and 30.04.2021 within stipulated time frame as fixed by this Court.

For Petitioner : Mr.G.Mathavan

For Respondents : Mr.P.Thilakkumar
Standing Counsel for the Government
for R.1, R.3 and R.4
: Mr.P.Mehendran
for R.2



ORDER

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

The petitioner has filed the above writ petition as a Public Interest Litigation, to issue a writ of Mandamus, directing the respondents 1 and 2 to initiate action, under section 182 and 216 of Tamilnadu District Municipality Act, 1920, to take appropriate action for removal of illegal encroachment in the Survey No.1916, Block No.26, TS No.1916, Adappanvayal 6th street, Pudukkottai District, on the basis of petitioner's representation, dated 27.04.2021 and 30.04.2021 within a time frame.

2. Mr.G.Mathavan, learned Counsel appearing for the petitioner submitted that though the petitioner has sought for the prayer to initiate action, it would suffice to direct the second respondent to consider the petitioner's representations, dated 27.04.2021 and 30.04.2021 within a time frame.

3. Mr.P.Mahendran, learned Counsel, taking notice for the second respondent, submitted that the second respondent may be directed to consider the petitioner's representations, dated 27.04.2021 and 30.04.2021, in accordance with law, after giving notice to the fifth respondent.

4. Having regard to the submissions made by the learned Counsel on either side and also taking into consideration the limited prayer sought for by the learned Counsel for the petitioner, without expressing any opinion with regard to the merits of the case, we direct the second respondent to consider the petitioner's representations dated 27.04.2021 and 30.04.2021, on merits and in accordance with law, after giving notice to the fifth respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above observations, the Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

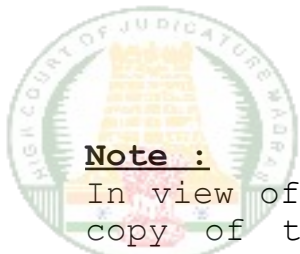
Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

SSL



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,
Pudukkottai,
Pudukkottai District.
- 2.The Commissioner,
Pudukkottai Municipality,
Pudukkottai District.
- 3.The Revenue Divisional Officer,
Pudukkottai,
Pudukkottai District.
- 4.The Tahsildar,
Pudukkottai,
Pudukkottai District.
- 5.The President,
Mayandi Samy Madalaya Trust,
Adappanvayal 2nd Street,
Pudukkottai.

+1 CC to M/s.P.MAHENDIRAN, Advocate (SR-26311[F] dated 13/08/2021)

+1 CC to M/s.GP (SR-26357[F] dated 16/08/2021)

W.P (MD) No.14428 of 2021

13.08.2021

MGJ (24/08/2021) 3P 8C