



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

AND

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.14512 of 2021

T.Elango

... Petitioner

Vs.

- 1.The District Collector,
Virudhunagar District,
Collectorate Complex,
Virudhunagar-626 002.
- 2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aruppukottai.
- 4.The Tahsildar,
Office of the Tahsildar,
Virudhunagar.
- 5.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 6.The General Manager,
BSNL,
Virudhunagar.
- 7.Solaiammal
- 8.Gomathi

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the respondents 1 to 4 to remove the encroachments in Survey No.109/1, now subdivided as S.No.109/2 to 109/11, situated in Vachakarapatti Village, Virudhunagar Taluk, Virudhunagar District, measuring 1 Acre and 59 cents and issue patta in the name of T.Namasivayam, S/o N.Thirunavukarasu, T.Ulagammal, D/o N.Thirunavukarasu, T.Ilango, S/o N.Thirunavukarasu.



For Petitioner : Mr.M.Ashok Kumar
For Respondents : Mr.B.Saravanan
Government Advocate
for R.1 to R.5

ORDER

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

The petitioner has filed the above writ petition to issue a writ of Mandamus, directing the respondents 1 to 4 to remove the encroachments in Survey No.109/1, now subdivided as S.No.109/2 to 109/11, situated in Vachakarapatti Village, Virudhunagar Taluk, Virudhunagar District, measuring 1 Acre and 59 cents and issue patta in the name of some individuals, including the petitioner.

2.Mr.B.Saravanan, learned Government Advocate takes notice for the respondents 1 to 5.

3.When the writ petition is taken up for hearing, Mr.M.Ashok Kumar, learned Counsel appearing for the petitioner submitted that the petitioner and two others have given a representation dated 14.12.2020 to the official respondents, however, they have not taken any action so far. Further, the learned Counsel submitted that the fourth respondent may be directed to consider the petitioner's representation and pass orders in accordance with law.

4.Mr.B.Saravanan, learned Government Advocate appearing for the respondents 1 to 5 submitted that the fourth respondent may be directed to consider the petitioner's representation, dated 14.12.2020 and pass orders, after giving notice to all the interested parties, in accordance with law.

5.Having regard to the submissions made by the learned Counsel appearing on either side and taking into consideration the submission made by the learned Counsel for the petitioner, without expressing any opinion with regard to the merits of the case, we direct the fourth respondent to consider the petitioner's representation dated 14.12.2020 and pass orders on merits and in accordance with law, after giving notice to all the interested parties, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above observations, the Writ Petition is disposed of. No costs.

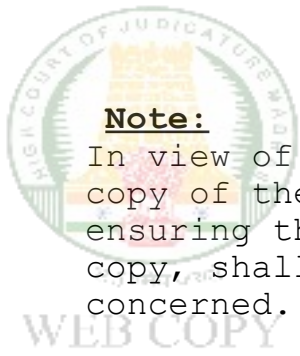
Sd/-

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,
Virudhunagar District,
Collectorate Complex,
Virudhunagar-626 002.
- 2.The District Revenue Officer,
Virudhunagar District,
Virudhunagar.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Aruppukottai.
- 4.The Tahsildar,
Office of the Tahsildar,
Virudhunagar.
- 5.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.M.ASHOKKUMAR, Advocate (SR-26451[F] dated 16/08/2021)

+1 CC to M/s.The Special Government Pleader (SR-26506[F] dated 17/08/2021)

**W.P (MD) No.14512 of 2021
16.08.2021**

RS (24.08.2021) 3P 8C