



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.09.2021

CORAM :

WEB COPY

**THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE  
AND  
The HON'BLE MR.JUSTICE M.DURAI SWAMY**

W.P.(MD) No. 14601 of 2021

S.Velmurugan

... Petitioner

Vs

1.The District Collector,  
Office of the District Collector,  
Sivagangai District.

2.The Tahsildar,  
Thiruppathur Taluk Office,  
Thiruppathur, Sivagangai District.

3.The Block Development Officer,  
Thiruppathur Panchayat Union,  
Thiruppathur, Sivagangai District.

4.The President,  
Thirukkalapatti Village Panchayat,  
Thiruppathur Taluk,  
Sivagangai District.

5.K.Subramanian

... Respondents

[R5 is impleaded vide Court order dated  
28.09.2021 in WMP(MD).No.12924/2021 in WP(MD).  
No.14601/2021 by CJ & MDJ]

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the encroachments made in the land comprised in S.No.83 and 84 belonging to Sri Voyyavantha Amman Thirukovil situated at Thirukkalapatti Village, Thiruppathur Taluk, Sivagangai District by considering the petitioner's representation dated 09.07.2021.

For Petitioner

: Mr.K.Muthumalai

For Respondents 1 to3

: Mr.P.Thilak Kumar

Government Pleader



**ORDER**

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

The grievance of the petitioner is that the land at Survey Nos.83 and 84 at Sri Voyyavantha Amman Thirukovil, Thirukkalapatti Village, Thiruppathur Taluk of Sivagangai District has been encroached by *inter alia* the respondent No.5.

2.Mr.P.Thilak Kumar takes notice on behalf of the respondent Nos.1,2 and 3 and submits that the second respondent Tahsildar of Thiruppathur Taluk would be the appropriate official to look into the grievance.

3.Without going into the allegations levelled against the fifth respondent by the petitioner herein, W.P(MD).No.14601 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation in respect of the matters complained of to the second respondent Tahsildar. Upon receipt of such representation, the Tahsildar would cause an enquiry to be conducted upon notice to the fifth respondent and any other person likely to be affected thereby. If any encroachment is found, the Tahsildar will take immediate appropriate steps for the removal thereof, including referring the matter to the higher officials for such purpose. The Tahsildar should communicate a reasoned decision, after completion of his enquiry, to both the petitioner and the fifth respondent within three months of the receipt of the representation.

There will be no order as to costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PM/PJL

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,  
Office of the District Collector,  
Sivagangai District.



2.The Tahsildar,  
Thiruppathur Taluk Office,  
Thiruppathur, Sivagangai District.

3.The Block Development Officer,  
Thiruppathur Panchayat Union,  
Thiruppathur, Sivagangai District.

4.The President,  
Thirukkalapatti Village Panchayat,  
Thiruppathur Taluk,  
Sivagangai District.

+1 CC to M/s.SPL.GP ( SR-30671[F] dated 29/09/2021 )

W.P.(MD) No. 14601 of 2021

**28.09.2021**

MGJ(06.10.2021) 3P 6C