



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P(MD)No.15438 of 2021
and W.M.P. (MD) No.12344 of 2021

Eswaran

... Petitioner

Vs.

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The Commissioner,
Puliyankudi Municipality,
Puliyankudi,
Tenkasi District.
- 3.The Executive Engineer,
P.W.D., W.R.O.,
Uppar Vaippar Basin Division,
Rajapalayam.

... Respondents

(R3 suo motu impleaded vide order
of this Court dated 16.12.2021 by
PSNJ and PVJ)

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the respondents to demolish and evict the petitioner at Town Survey No.59, situated at Ward-D, Block-42, T.N.Pudukudi Village, Puliyankudi, Kadayanallur Taluk, Tenkasi District based on the petitioner's representation dated 25.08.2021.

For Petitioner	: Mr.S.Selvakumar
For Respondent Nos.1	: Mr.B.Saravanan
& 3	Additional Government Pleader
For Respondent No.2	: Mr.M.Rajarajan
	Standing Counsel

O R D E R

(Order of the Court was made by PUSHPA SATHYANARAYANA,J.)

The petitioner is seeking for issuance of a Writ of Mandamus, forbearing the respondents from demolishing the petitioner's construction at Town Survey No.59, situated at Ward-D, Block-42,



T.N.Pudukudi Village, Puliyankudi, Kadayanallur Taluk, Tenkasi District, and evict him based on the petitioner's representation dated 25.08.2021.

2.Mr.B.Saravanan, learned Additional Government Pleader, accepts notice on behalf of the respondent Nos.1 and 3 and Mr.M.Rajarajan, learned Standing Counsel, accepts notice on behalf of the second respondent.

3.By consent of both sides, this Writ Petition itself is taken up for final disposal at the time of admission.

4.Upon instructions, the learned Standing Counsel for the Municipality represents that the encroached portion belongs to the Public Works Department. Therefore, we *suo motu* implead the Executive Engineer, P.W.D., W.R.O., Uppar Vaippar Basin Division, Rajapalayam, as third respondent. Mr.B.Saravanan, learned Additional Government Pleader, accepts notice on behalf of the third respondent.

5.Considering the facts and circumstances of the case, this Court without going into the merits of the claim made by the petitioner in the Writ Petition as well as the representation, directs the third respondent to consider the representation of the petitioner, dated 25.08.2021, and after measuring his property in his presence and affording an opportunity of personal hearing to him, pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

6.The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Sj

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,
Tenkasi District,
Tenkasi.

2.The Commissioner,
Puliyankudi Municipality,
Puliyankudi,
Tenkasi District.

3.The Executive Engineer,
P.W.D., W.R.O.,
Uppar Vaippar Basin Division,
Rajapalayam.

+1 CC to M/s.M.RAJARAJAN, Advocate (SR-39157[F] dated 16/12/2021)

+1 CC to M/s.SPL GP (SR-39495[F] dated 20/12/2021)

W.P (MD) No.15438 of 2021
16.12.2021

KM(CO)

KB(19.01.2022) 3P 6C