



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2021

WEB COPY

**CORAM :
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
AND
THE HONOURABLE MRS.JUSTICE S.ANANTHI**

W.P. (MD) No.16527 of 2020

K.Muthusamy

... Petitioner

Vs

1. The District Collector,
O/o.The District Collector,
Karur District, Karur.
2. The Revenue Divisional Officer,
O/o. The District Collector,
Karur.
3. The Tahsildar,
Aravakurichi Taluk,
Karur District.

4. M.Kodiyarasu

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India seeking issuance of a writ of Mandamus, directing the respondents 1 to 3 to evict the fourth respondent encroacher from the encroachment in Survey No.841/42 to the extent of 0.00.40 square metre situated at Chinnadharapuram Village, Aravakurichi Taluk, Karur District.

For Petitioner

: Mr.R.Aravind Raj

For respondents

: Mr.K.P.Krishnadoss,
Special Governance Pleader
for R1 to R3
Mr.V.Balaji for R4



ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

We have heard Mr.R.Aravind Raj, learned Counsel appearing for the petitioner, Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents 1 to 3 and Mr.V.Balaji, learned Counsel appearing for the fourth respondent.

2. This writ petition has been filed by the petitioner praying for a direction upon the respondents 1 to 3, to evict the fourth respondent-encroacher, from the encroachment in Survey No.841/42, to the extent of 0.00.40 sq.mtr situated at Chinnadharapuram Village, Aravakurichi Taluk, Karur District.

3. The learned Counsel appearing for the fourth respondent submitted that the fourth respondent had filed W.P(MD).No.5187 of 2020, which was disposed of by order dated 11.03.2020, by directing the fourth respondent to give a reply to the notice issued by the third respondent and the fourth respondent has given a reply on 17.03.2020.

4. The learned Special Government Pleader appearing for the respondents 1 to 3, on the instructions from the third respondent submitted that on 16.02.2021, inspection was conducted by the Tahsildar, Aravakurichi Taluk and earlier, the action could not be initiated due to elections. Now that elections are over and the fourth respondent has also given his reply on 17.03.2020. The third respondent-Tahsildar, Aravakurichy Taluk, Karur District, is directed to enquire into the matter, afford an opportunity of hearing to the fourth respondent or his representative and proceed to pass appropriate orders on merits and in accordance with law. This direction shall be complied with within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pkn

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

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copy, shall be the responsibility of the advocate/litigant concerned.

To:

1. The District Collector,
O/o.The District Collector,
Karur District, Karur.
2. The Revenue Divisional Officer,
O/o. The District Collector,
Karur.
3. The Tahsildar,
Aravakurichi Taluk,
Karur District.

+1 CC to SPL GP (SR-17577[F] dated 26/04/2021)

W.P. (MD) No.16527 of 2020

23.04.2021

RRS (10.05.2021) 3P 5C