



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, THE CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE M.DURAI SWAMY

W.P. (MD) No.18975 of 2021

WEB COPY

Paravai Village Public,
represented by
M.Arumugam

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Madurai - 625 020.

2.The Tahsildar,
Madurai North Taluk,
Madurai.

3.The Village Administrative Officer,
Paravai,
Madurai District.

4.The Executive Officer,
Paravai Town Panchayat,
Paravai,
Madurai District.

5.Rajanagam

6.Kalyani

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to remove encroachment made by the respondents 5 and 6 on 3 ½ cents (43'X34') Government vacant land situated on Muthuramalingapuram Street (Survey No.65, Paravai) and on the west of Survey No.47/11, in Paravai Village, Madurai North Taluk, Madurai District, by considering the representation of the petitioners, dated 15.07.2021 within the time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy

For Respondents : Mr.P.Thilak Kumar

Government Pleader for R.1 to R.4



ORDER

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

The petitioner complains of the fifth and sixth respondents having encroached into government land at Survey No.65 in Muthuramalingapuram Street and Survey No.47/11 in Paravai Village of Madurai North Taluk.

2.Mr.P.Tilak Kumar, learned Government Pleader appearing for respondent Nos.1 to 4, takes notice and submits that the second respondent Tahsildar is the appropriate authority to consider the matter.

3.Accordingly, W.P.(MD)No.18975 of 2021 is disposed of by permitting the petitioner to carry a fresh, detailed representation in respect of the matters complained of herein to the Tahsildar, Madurai North Taluk, within a period of four weeks from date. Immediately upon receipt of the said representation, the concerned Tahsildar will conduct an inquiry upon due notice to the respondent Nos.5 and 6 and to all persons who may be affected by the same. The Tahsildar will afford both the petitioner, the private respondents and others likely to be affected by his order an opportunity of hearing before passing a reasoned decision and communicate the same within ten weeks of the receipt of the petitioner's representation in terms of this order. In the event any encroachment is discovered, the Tahsildar will immediately report the matter to the appropriate authorities to expeditiously remove the encroachment from the government land in accordance with law.

4.Since the Tahsildar has been required to take up the inquiry upon notice to the private respondents, this petition is disposed of without requiring any previous notice to be issued to the private respondents. However, the petitioner will remain obliged to immediately forward copies of the petition and this order to the private respondent Nos.5 and 6.

There will be no order as to costs.

Sd/-

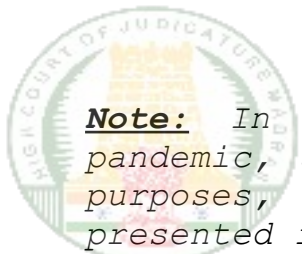
Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

MR/RM



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.

WEB COPY

To

- 1.The District Collector,
Madurai District,
Madurai - 625 020.
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Madurai.
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- 4.The Executive Officer,
Paravai Town Panchayat,
Paravai,
Madurai District.

+1 CC to M/s.A.THIRUMURTHY, Advocate (SR-32477[F] dated 25/10/2021)

+1 CC to M/s.SPL.GP (SR-32567[F] dated 26/10/2021)

W.P. (MD) No.18975 of 2021
25.10.2021

PS (CO)
KB(10.11.2021) 3P 7C