



W.P.(MD)No.242 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.10.2022

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.(MD)No.242 of 2021

P.K.Arivalagan

... Petitioner

Vs.

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

2.The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam, Theni District.

3.The Commissioner,
Cumbum Municipality,
Theni District.

4.Kumaresan

5.Muniammal

6.Shanthi

7.Murugan

8.Gopal

9.Ayyavu

10.Arasammal



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11.Ayyappan

12.Panjavarnam

13.Suruli

14.Murugan

15.Kulanthai

16.Mathew

17.Mini Mathew

18.Selvendhiran

19.Lakchumanan

20.Kannan

21.Manikandan

22.Maariyappan

23.Thilagan

24.Rajalakshmi

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to remove the encroachments made by the respondents 4 to 24 herein comprised in Old Survey No.879 and New Town Survey No.8 and 9 Block No.10 situated at Issak Boothagar Street, Cumbum by considering the petitioner representation dated 11.11.2019 within the time stipulated by this Honourable Court.



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For Petitioner : Mr.C.Jeganathan
For Respondents 1 and 2 : Mr.P.Thilak Kumar
Government Pleader
For 3rd Respondent : Mr.K.Hema Karthikeyan
Standing Counsel
For Respondents 7, 12, 14,
16 to 18 & 24 : Mr.S.Vanchinathan
For 20th Respondent : Mr.G.Prabhu Rajadurai

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition, seeking for a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made by the respondents 4 to 24 in Old Survey No.879, New Town Survey No.8 and 9, Block No.10, situated at Issak Boothagar Street, Cumbum by considering his representation dated 11.11.2019, within a time frame.

2. Heard Mr.C.Jeganathan, learned counsel for the petitioner, Mr.P.Thilak Kumar, learned Government Pleader appearing for the respondents 1 and 2, Mr.K.Hema Karthikeyan, learned Standing Counsel for the third respondent, Mr.S.Vanjinathan, learned counsel for the respondents 7, 12, 14, 16



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to 18 & 24 and Mr.G.Prabhu Rajadurai, learned counsel appearing for the 20th respondent.

3. It is seen from the records that the notices sent to the respondents 4, 6, 11, 13, 15, 21 to 23 were returned with the endorsement "Left", the notice sent to the 5th respondent returned as "refused" and the notices sent to the respondents 9, 10 and 19 were returned as "died". The petitioner is unable to serve notice on most of the alleged encroachers as they have left or died.

4. In view of the above, the Writ Petition is closed, giving liberty to the petitioner to approach the appropriate authorities with correct particulars of the encroachers for removal of encroachment, if any. No costs.

[R.M.D., J.] [J.S.N.P., J.]
26.10.2022

Internet : Yes / No
Index : Yes / No
sj



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To

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- 2.The Tahsildar,
Uthamapalayam Taluk Office,
Uthamapalayam, Theni District.



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