



W.P.(MD) No.804 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.804 of 2022

R.Veluchamy

... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Sub Collector,
Sivakasi Division,
Virudhunagar District.

3.The Assistant Director, (Panchayat),
Collectorate, Virudhunagar,
Virudhunagar District.

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4.The Tahsildar,

Vatrayiruppu Taluk,
Virudhunagar District.

5.The Block Development Officer,

Vatrayiruppu Panchayat Union,
Virudhunagar District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to remove the encroachment made by the 5th respondent in the form of planting saplings in the petitioner's land in Survey No.960/2, Patta No.965, to an extent of 9 Ares, Valayapatti, Kunnoor Village, Vatrayiruppu Taluk, Virudhunagar District by considering the petitioner's representation dated 25.10.2021.

For Petitioner : Mr.M.Solaisamy

For Respondents : Mr.S.P.Maharajan,

Special Government Pleader

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition is filed seeking issuance of Writ of Mandamus, directing the 1st respondent to remove the encroachment made by the 5th

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respondent in the form of planting saplings in the petitioner's land in Survey No.960/2, Patta No.965, to an extent of 9 Ares, Valayapatti, Kunnoor Village, Vatrayeruppu Taluk, Virudhunagar District by considering the petitioner's representation dated 25.10.2021.

2.Pointing out the aforesaid encroachment made by the 5th respondent, the petitioner sent a representation dated 25.10.2021 to the respondents 1, 2, 4 and 5 seeking removal of the same and pursuant thereto, though the 1st respondent vide proceedings in Na.Ka.No.Ppee5/10625/2019, dated 10.11.20121 directed the 3rd respondent to take appropriate action on the said representation, who in turn, directed the 5th respondent to take appropriate action vide proceedings in Na.Ka.U4/4200/2020, dated 25.11.2021, the 5th respondent had not taken any action to remove the aforesaid encroachment. Hence, this Writ Petition.

3.On 20.01.2022, this Court has passed the following order:-

“Mr.B.Saravanan, AGP, accepts notice for R1 to R4.

Mr.G.Sivarajan, learned Govt Advocate accepts notice for

R5.

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The 5th respondent says that already survey has been done and the saplings are planted only on the poramboke lands. He is directed to file an affidavit in support of his contention and also the sketch along with FMB.

Post on 17.02.2022.”

4.Though this Court had directed the 5th respondent to file an affidavit, till date, it has not been filed.

5.Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents submitted that the petitioner's representation dated 25.10.2021 will be considered and disposed of on merits and in accordance with law and appropriate action would be taken for removal of the encroachment, if any, in the place in question by due process of law, within a time frame, for which, the learned counsel for the petitioner is agreeable.



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6. In view of the above, without going into the merits of the case, we direct the respondents 1 to 4 to consider the representation of the petitioner dated 25.10.2021 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, the authorities concerned shall remove the same, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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To

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