



W.P(MD) No.469 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.11.2022

CORAM:

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

W.P.(MD) No.469 of 2022

S.Chelladurai

... Petitioner

-VS-

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

3. The President,
Andaoorani Panchayat,
Thiruvadanai Taluk,
Ramanathapuram District.

4. Muthu

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 3 to secure the removal of encroachment put by the fourth respondent in a water channel available in Survey No.165, Andaoorani Village, Thiruvadanai



W.P(MD) No.469 of 2022

Taluk, Ramanathapuram District, on the strength of the petitioner's representation dated 16.11.2020 as expeditiously as possible within the time stipulation as prescribed by this Honble Court.

For Petitioner : Mr.R.Anand

For Respondents : Mr.V.Nirmal Kumar,
Government Advocate
for R1 and R2
Mr.C.Bhagvath Singh for R4
No appearance for R3

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 3 to remove the encroachment made by the fourth respondent in a water channel in Survey No.165, Andaoorani Village, Thiruvadanai Taluk, Ramanathapuram District, based on the petitioner's representation dated 16.11.2020, within a time frame.

2. Today, when the matter was taken up for hearing, the learned Government Advocate appearing for the respondents 1 and 2, produced a communication of the Tahsildar, Thiruvadanai Taluk, dated 27.10.2022,



W.P(MD) No.469 of 2022

along with sketch and extracts of relevant revenue records, addressed to him and submitted that that the property in question is being used by the public as Mayanam, Vandipathai and Kalvai and that there is no encroachment as alleged by the petitioner.

3. The aforesaid submission has been stoutly refuted by the learned counsel for the petitioner stating that the encroachment is still in existence in the aforesaid place. He further submitted that it would be suffice, if the representation of the petitioner dated 16.11.2020 submitted to the official respondents 1 to 3, is disposed of on merits and in accordance with law, within a time frame.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the claim made by the petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 3, to consider the representation of the petitioner dated 16.11.2020, if not considered earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording due opportunity of hearing to the petitioner, fourth respondent and all other parties concerned and also by following



W.P(MD) No.469 of 2022

due process of law within a period of six weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
23.11.2022

Index : Yes / No
Internet : Yes / No
pkn

To:

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Tahsildar,
Thiruvadanai Taluk,
Ramanathapuram District.

3. The President,
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W.P(MD) No.469 of 2022

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W.P.(MD) No.469 of 2022

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