



W.P.(MD) No.1377 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM:

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

W.P.(MD) No.1377 of 2021

P.Manoharan

... Petitioner

-vs-

- 1.The District Collector
Collector Office
Madurai Road, Theni
Theni District
- 2.The Revenue Divisional Officer
Collector Office
Madurai Road, Theni
Theni District
- 3.The Tahsildar
Taluk Office
Uthamapalayam Taluk
Theni District
- 4.The President
Panchayat Union Office
Kamatchipuram Post
Uthamapalayam Taluk
Theni District



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5.Thandal Seenivasan

... Respondents

[R5 is impleaded vide Court order dated 05.07.2021 in W.M.P.(MD) No. 3377 of 2021]

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to remove the illegal encroachment made by so many persons in the tank in Survey No.334, situated at Seepalakottai Village, Uthamapalayam Taluk of Theni District, on the basis of the petitioner's representation dated 29.12.2020.

For Petitioner : Mr.K.Safar Badhusha

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R4
Mr.V.Chandrapandi for R5

ORDER

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

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents to remove the illegal encroachments made by the fifth respondent and others in the tank in Survey No.334 of Seepalakottai Village, Uthamapalayam Taluk of Theni District, based on the petitioner's representation dated 29.12.2020.



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2. The grievance of the petitioner is that though he made a representation to the respondents 1 to 4 as early as on 29.12.2020 seeking removal of the encroachment made by the private respondent and others in the aforesaid survey number, till date the same has not been considered.

3. The learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the petitioner's representation dated 29.12.2020 would be considered and appropriate action would be taken in accordance with law.

4. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 4 are directed to consider the petitioner's representation dated 29.12.2020 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, the same shall be removed, after giving due notice to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.



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5. With the above direction, this writ petition is 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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