



W.P.(MD) No.1730 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.1730 of 2021

C.Ramar

... Petitioner

-vs-

- 1.The District Collector
Office of the District Collector
Madurai District
- 2.The Tahsildar
Taluk Office, Usilampatti Taluk
Madurai District
- 3.P.Pandi
- 4.P.Jayaraj
- 5.P.Paulraj
- 6.P.Chinnasamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 and 2 to take immediate



W.P.(MD) No.1730 of 2021

action for removal of the illegal encroachments made by the respondents 3 to 6 in the land mark pathway in Survey Nos.459 and 460, situated at Thoddappanaickanur Village, Usilampatti Taluk, Madurai District, by considering the representation of the petitioner dated 17.08.2020, within a time frame.

For Petitioner : Mr.Gangai Amaran.C.

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 & R2
Mr.C.Jawahar Ravindran for R3 & R4
No appearance for R5 & R6

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 1 and 2 to remove the encroachment made by the respondents 3 to 6 in Survey Nos.459 and 460 of Thoddappanaickanur Village, Usilampatti Taluk, Madurai District, based on the petitioner's representation dated 17.08.2020, within a time frame.

2. The grievance of the petitioner is that though he made a representation to the first respondent as early as on 17.08.2020 seeking



W.P.(MD) No.1730 of 2021

removal of the encroachment made by the private respondents in the aforesaid survey numbers, till date, the same has not been considered.

3. The learned Special Government Pleader appearing for the respondents 1 and 2, on instructions, submitted that a direction may be given to the second respondent – Tahsildar, Usilampatti Taluk as well as the Block Development Officer, Usilampatti Panchayat Union, Madurai District, to consider the petitioner's representation dated 17.08.2020 in the manner known to law.

4. In view of the above, without going into the merits of the claim made by the petitioner, the first respondent is directed to forward the petitioner's representation dated 17.08.2020 to the the second respondent – Tahsildar, Usilampatti Taluk as well as the Block Development Officer, Usilampatti Panchayat Union, Madurai District forthwith and on receipt of such representation, the second respondent – Tahsildar, Usilampatti Taluk as well as the Block Development Officer, Usilampatti Panchayat Union, Madurai District are directed to consider the same and pass appropriate orders, 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



W.P.(MD) No.1730 of 2021

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.

5. With the above direction, this writ petition is disposed of. No costs.

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

26.10.2022

Index : Yes / No

Internet : Yes / No

Note to Office:

Mark a copy to the Block Development Officer, Usilampatti Panchayat Union, Madurai District.

krk

To:

- 1.The District Collector,
Office of the District Collector,
Madurai District.
- 2.The Tahsildar,
Taluk Office, Usilampatti Taluk,
Madurai District.



WEB COPY



W.P.(MD) No.1730 of 2021

R.MAHADEVAN, J.
and
J.SATHYA NARAYANA PRASAD, J.

krk

W.P.(MD) No.1730 of 2021

26.10.2022