



W.P.(MD) No.2824 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.2824 of 2022

Fr.Benedict Barnabas

... Petitioner

Vs.

1.The District collector,
District Collector Office,
Madurai,
Madurai District.

2.The Commissioner,
Madurai Corporation,
Madurai.

... 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 over the petitioner's property comprised in S.F.Nos.212/5A and 212/5B which was plotted into house sites wherein Plot No.417 in which 1 Thakku an extent of 1800 sq. ft. and II Thakku an extent of 1488 sq. ft. in total 3288 sq. ft. equivalent



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to 7 cents and 239 sq. ft. situated at Thiruppalai Group, Sirudhur Village, Madurai North Taluk, Madurai District made by the 2nd respondent, based on petitioner's representation dated 05.02.2022.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Govt. Pleader for R1
Mr.Vinayak for R2

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 1st respondent to remove the encroachment made by the 2nd respondent on the petitioner's property comprised in S.F.Nos.212/5A and 212/5B, measuring an extent of 7 cents and 239 sq. ft. situated at Thiruppalai Group, Sirudhur Village, Madurai North Taluk, Madurai District, based on the petitioner's representation dated 05.02.2022.

2. The learned counsel appearing for the petitioner submitted that though the petitioner made a representation on 05.02.2022 to the 1st respondent seeking



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to remove the aforesaid encroachment, till date, no steps have been taken by the 1st respondent to remove the same. Hence, the petitioner has filed this Writ Petition.

3. The learned Special Government Pleader appearing for the first respondent submitted that the representation of the petitioner dated 05.02.2022 would be considered by the official respondents and appropriate action will be taken to remove 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.

4. Recording the above submission, this Writ Petition is disposed of with a direction to the first respondent to consider and dispose of the representation of the petitioner dated 05.02.2022, on merits and in accordance with law, after perusing the documents filed by the petitioner and the second respondent. The first respondent is also directed to conduct necessary inspection in the place in question, in the presence of the petitioner and the authorised representative of



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the second respondent and if there is any encroachment, the first respondent 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 twelve (12) weeks from the date of receipt of a copy of this order. No costs.

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

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vsm



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