



W.P.(MD) No.3970 of 2021

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.3970 of 2021

Ramani

... Petitioner

-Vs-

1.The District Collector,
Trichy District, Trichy.

2.The Tahsildar,
Thiruvenrumbur Taluk,
OFT Post, Trichy District.

3.The Block Development Officer,
Thiruverumbur Taluk,
OFT Post, Trichy District.

4.Settu Mani @ Kumar

... Respondents

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WEB CONTENT

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 by executing the direction given by the 1st respondent on 08.11.2018 vide O.Mu.Aa.1/22250/2018 on the basis of the petitioner's representations dated 29.01.2018 and 03.09.2018 and thereupon initiate an appropriate action against the 4th respondent, namely, Settu Mani @ Kumar to remove the encroachment made by him by constructing a wall to an extent of 5 Feet by encroaching the 18th Street bearing Ward No.4, North South Road No.18, Near Mosque in between Natham Survey Nos.406/34 and 406/33 at Navalapattu Burma Colony, OFT Post, Thiruverumbur, Trichy District and pass appropriate order on merits and in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.V.R.Venkatesan
For R1 to R3 : Mr.S.P.Maharajan,
Special Government Pleader
For R4 : Mr.S.Malaikani

ORDER

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

This Writ Petition is filed seeking issuance of Writ of Mandamus, directing the respondents 2 and 3 to execute the direction given by the 1st respondent on 08.11.2018 vide O.Mu.Aa.1/22250/2018 on the basis of the

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petitioner's representations dated 29.01.2018 and 03.09.2018 and thereupon initiate appropriate action against the 4th respondent, namely, Settu Mani @ Kumar to remove the encroachment made by him by constructing a wall to an extent of 5 Feet by encroaching the 18th Street bearing Ward No.4, North South Road No.18, near Mosque in between Natham Survey Nos.406/34 and 406/33 at Navalapattu Burma Colony, OFT Post, Thiruverumbur, Trichy District and pass appropriate order on merits and in accordance with law within a time frame.

2.Pointing out the aforesaid encroachment made by the 4th respondent, the petitioner sent a representation dated 29.01.2018 to the respondents 1 to 3, seeking removal of the same and in this regard, she also filed O.S.No.812 of 2015 on the file of the III Additional District Munsif Court, Trichy for mandatory and permanent injunction. Since the said representation was not considered, the petitioner filed W.P.(MD)No.3467 of 2018 before this Court and this Court, by an order dated 21.02.2018, dismissed the said Writ Petition, granting liberty to the petitioner to pursue her remedy before the Civil Court or in the alternative, withdraw the proceedings and pursue the remedy before the



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official respondents. Pursuant to the said order, the petitioner withdrew the aforesaid suit pending before the Civil Court and thereafter, made a detailed representation dated 03.09.2018 to the official respondents along with the copy of the order dated 21.02.2018 made in W.P.(MD)No.3467 of 2018. On receipt of the said representation, though the 1st respondent directed the 2nd and 3rd respondents to take appropriate action on the representation, till date, the respondents 2 and 3 have not taken any action to remove the aforesaid encroachment. Hence, this Writ Petition.

3.The learned Special Government Pleader for the respondents 1 to 3 submitted that the petitioner's representation dated 03.09.2018 will be considered on merits and in accordance with law and appropriate action for removal of the encroachment, if any, would be taken by the authorities concerned, by following due process of law, within a time frame.

4.In view of the above, without going into the merits of the case, we direct the official respondents to consider the representation of the petitioner



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dated 03.09.2018 and pass appropriate orders on merits and in accordance with law. If there is any encroachment in the place in question, the authorities concerned shall remove the same, after affording sufficient opportunity to the petitioner as well as the 4th respondent 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.

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

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

24.11.2022

Index : Yes / No

Internet : Yes / No

Myr

To

1. The District Collector,
Trichy District, Trichy.

2. The Tahsildar,
Thiruvannamalai Taluk,
OFT Post, Trichy District.

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