



W.P.(MD) No.3836 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.3836 of 2021
and
W.M.P.(MD) No.3058 of 2021**

Mauvumill Vadivel Nagar
Kudiirupor Nalla Sangam
rep.by its Secretary Guruambeth

... Petitioner

-vs-

- 1.The District Collector
Madurai District
- 2.The Deputy Director of Town
and Country Planning
4, Hakkim Amalkhan Road
Chinna Chokkikulam
Madurai
- 3.The Tahsildar
Thirupuramkundram Taluk
Madurai District
- 4.The Block Development Officer
Thirupuramkundram Panchayat Union
Thirunagar Office
Madurai-06



W.P.(MD) No.3836 of 2021

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5.The President
Panchayat Board of Karadipatti
Nagamalai Pudukottai
Thirupuramkundram Taluk
Madurai District

6.Kokilavali

7.S.Vijayalakshmi

8.Ganesan

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent to remove the encroachment made by the respondents 6 and 7 and other encroachers of the land marked for public utility more specifically the well area, playground and road in the lands in Survey No.41/1, 41/1b and 41/2 of Karadipatti Village, Thirupuramkundram Taluk and retain the original approved plan dated 18.03.1983 in Ma.Va.Ma.(Ma.Ma) No.41/83 and as represented by the petitioner in his representation dated 10.02.2021.

For Petitioner : Ms.Chamundibose

For Respondents : Mr.S.P.Maharajan
Special Government Pleader for R1 to R3
Mr.K.Mu.Muthu for R4 & R5
Mr.R.Karuppiyah for R6
Mr.G.Thiruvarutselvan for R7
No appearance for R8



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W.P.(MD) No.3836 of 2021

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 official respondents to remove the encroachment made by the respondents 6 and 7 and others in the lands marked for public utilities such as, well, playground and road, in Survey Nos.41/1, 41/1b and 41/2 of Karadipatti Village, Thirupuramkundram Taluk and restore the same to its original position as per the approved plan dated 18.03.1983 in Ma.Va.Ma.(Ma.Ma) No.41/83, by considering the petitioner's representation dated 10.02.2021.

2. The grievance of the petitioner is that though he made a representation to the respondents 1 to 5 as early as on 10.02.2021 seeking 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 to 3, on instructions, submitted that the petitioner's representation dated 10.02.2021 would be considered and appropriate action would be taken in accordance with law.



WEB COPY

W.P.(MD) No.3836 of 2021

4. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 5 are directed to consider the petitioner's representation dated 10.02.2021 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.

5. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

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

26.10.2022

Index : Yes / No

Internet : Yes / No

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