



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.3293 of 2022

and

W.M.P.[MD]No.2893 of 2022

1.P.Vasanthi

2.P.Rajeev

3.P.Sanjeev

... Petitioners

Vs.

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Project Director,
National Highways Authority of India,
Plot No.3, Surya Towers 2nd Floor,
1st East Street, K.K.Nagar,
Madurai - 625 020.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioners dated 04.02.2022 and consequently direct the second respondent to remove all kinds of constructions made in survey numbers 234/3, 234/3A2 and 234/4A1 of E.Muthulingapuram Revenue Village, Sattur Taluk, Virudhunagar District.

For Petitioners : Mr.C.M.Arumugam

For Respondent No.1 : Mr.M.Lingadurai

Special Government Pleader

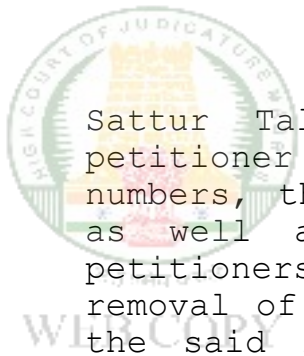
For Respondent No.2 : Mr.Arul Vadivel @ Sekar

Standing Counsel

O R D E R

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to consider the representation of the petitioners dated 04.02.2022 requesting the second respondent to remove the construction put up in the alleged encroachment made by the second respondent.

2.According to the petitioners, lands belonging to the
<https://hcservicescourts.gov.in/hcservices> acquired in E.Muthulingapuram Revenue Village,



Sattur Taluk, Virudhunagar District. It is the case of the petitioner that though the lands acquired pertain to certain survey numbers, the second respondent has now encroached upon other lands as well and has put up a temporary construction there. The petitioners have given a representation dated 04.02.2022 seeking for removal of the construction put up in the encroached lands. Since the said representation has not been considered till date, the petitioners have filed this writ petition.

3. Heard Mr.C.M.Arumugam, learned Counsel appearing for the writ petitioners, Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the first respondent and Mr.C.Arul Vadivel @ Sekar, learned Standing Counsel who accepts notice on behalf of the second respondent.

4. On instructions, learned Standing Counsel for the second respondent would submit that the allegations made by the petitioners are untrue. However, he would submit that the second respondent will consider the representation of the petitioners dated 04.02.2022 on merits and in accordance with law.

5. No prejudice would be caused to the respondents if the petitioners' representation dated 04.02.2022 is considered on merits and in accordance with law after affording a fair opportunity of hearing to the petitioners.

6. Accordingly, this Court directs the second respondent to consider the petitioners' representation dated 04.02.2022 requesting the second respondent to remove the alleged encroachments made in survey numbers 234/3, 234/3A2 and 234/3A1 of E.Muthulingapuram Revenue Village, Sattur Taluk, Virudhunagar District which were not part of the land acquisition and pass final orders on merits and in accordance with law after affording a fair opportunity of hearing to the petitioners including granting the petitioners the right of personal hearing within a period of three [3] months from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

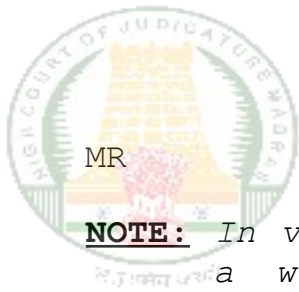
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The District Collector,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.C.M.ARUMUGAM, Advocate (SR-7822[F] dated 22/02/2022)

+1 CC to M/s.SPL GP (SR-8328[F] dated 24/02/2022)

ORDER MADE IN
W.P. [MD]No.3293 of 2022
22.02.2022

PKP/12.03.2022/3P/4C