



W.P(MD) No.3827 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM:

**THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

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A.Palanichamy

... Petitioner

-VS-

1. The District Collector,
Virudhunagar District , Virudhunagar.

2. The Revenue Divisional Officer,
Sivakasi Division,
Virudhunagar District.

3. The Tahsildar,
Sivakasi Taluk Office, Sivakasi,
Virudhunagar District.

4. The Block Development Officer,
Block Development Office, Vembakkottai,
Virudhunagar District.

5. A. Kannuchamy

6. K. Subburaj

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India,
to issue a writ of Mandamus, directing the fourth respondent to
implement the order of the third respondent in his proceedings in



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Na.Ka.Aa1/6591/2016, 10.01.2020 by removing the encroachment made by the fifth respondent in survey Nos.358/46 and 358/47 to an extent of 0.0006.0 Sq.Mtr and 0.0028.0 Sq.Mtr respectively and by removing the encroachment made by the sixth Respondent in Survey No.358/47 to an extent of 0.0018.0 Sq.Mtr in Mankundampatti Village, Vembakkottai Panchayat Union, Sivakasi Taluk, Virudhunagar District, by considering the petitioner's representation dated 20.01.2020.

For Petitioner : Mr.M.Solaisamy

For Respondent : Mr.G.V.Vairam Santhosh
Additional Government Pleader
for R1 to R4
No appearance for R5 and R6

ORDER

(Order of the Court was made by R.MAHADEVAN, J.)

The petitioner has come forward with this writ petition, praying to issue a Writ of Mandamus, directing the fourth respondent to implement the proceedings of the third respondent dated 10.01.2020, by removing the encroachment made by the fifth respondent in Survey Nos.358/46 and 358/47, to an extent of 0.0006.0 Sq.Mtr and 0.0028.0 Sq.Mtr respectively and by removing the encroachment made by the sixth respondent in Survey No.358/47, to an extent of 0.0018.0 Sq.Mtr in Mankundampatti Village, Vembakkottai Panchayat Union, Sivakasi Taluk, Virudhunagar District, based on his representation dated 20.01.2020.



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2. Heard Mr.M.Solaisamy, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader appearing for the respondents 1 to 4.

3. Pointing out that the respondents 5 and 6 have encroached the public street in Survey Nos.358/46 and 358/47 at Mankundampatti Village, Vembakkottai Panchayat Union, Sivakasi Taluk, Virudhunagar District, by constructing a compound wall and thereby obstructing the movement of the public over the said street, the petitioner submitted a representation to the third respondent on 16.07.2019 and the third respondent through his proceedings in Na.Ka.No.Aa1/6591/2016, dated 10.01.2020, forwarded the said representation to the fourth respondent to take appropriate action for removal of encroachments but the same, according to the learned counsel for the petitioner, remains as such.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied if a direction is issued to the fourth respondent to consider and dispose of the representation of the petitioner dated 20.01.2020, on merits and in accordance with law, within a time frame.



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5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the fourth respondent to consider the representation of the petitioner dated 20.01.2020 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, respondents 5 and 6 and all other parties concerned, the fourth respondent is directed to take necessary action for removal of encroachments in the place in question, 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 eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
20.10.2022

Index : Yes / No
Internet : Yes / No
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