



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.3660 of 2022

S.Sathasivam

.. Petitioner

Vs

1.The District Collector,
Tiruchirappalli District.

2.The Block Development Officer,
Poovaloor Union,
Lalgudi Taluk,
Tiruchirappalli District.

3.Bhavani

4.Rajadhurai

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 1st respondent to take appropriate action against the respondents 3 and 4 consequently, direct the respondents to restore the petitioner's property admeasuring 7 cents comprised in Survey No.110/2B1 of Pudhukudi Village, Lalgudi Taluk, Tiruchirappalli District, within a specific period that may be fixed by this Court.

For Petitioner : Mr.N.Sudhagar Nagaraj
For Respondents : Mr.M.Lingadurai for R1
Special Government Pleader
Mr.A.Kannan for R2
Additional Government Pleader

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the first respondent to take appropriate action against the respondents 3 and 4 and consequently, direct the respondents 1 and 2 to restore the petitioner's property measuring an extent of 7 cents comprised in Survey No.110/2B1 of Pudhukudi Village, Lalgudi Taluk, Tiruchirappalli District, based on the petitioner's representation dated 21.02.2022, to the first respondent, requesting the first respondent to take appropriate action against the respondents 3 and 4. Since the representation has not been considered till date, he has filed this writ petition.

2.Heard Mr.N.Sudhagar Nagaraj, learned counsel for the petitioner, Mr.M.Lingadurai, learned Special Government Pleader, who accepts notice on behalf of the first respondent and Mr.A.Kannan,



learned Additional Government Pleader, who accepts notice on behalf of the second respondent.

3.The petitioner has placed before this Court the documents in support of his case. According to him, Survey No.110/2B1 of Pudhukudi Village, Lalgudi Taluk, Tiruchirappalli District, is absolutely owned by him and he has got patta in his favour. The registered sale deed dated 01.07.2010 also stands in his name. According to him, the respondents 3 and 4 have encroached upon his property and under those circumstances, he has given a representation on 21.01.2022, to the first respondent calling upon them to take action against the third and fourth respondents.

4.No prejudice will be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 3 and 4.

5.Accordingly, this Court directs the first respondent to consider the petitioner's representation dated 21.01.2022, requesting the first respondent to take appropriate action against the respondents 3 and 4 for the alleged encroachment made by the third and fourth respondents over the petitioner's property comprised in Survey No.110/2B1 of Pudhukudi Village, Lalgudi Taluk, Tiruchirappalli District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the respondents 3 and 4, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

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

1.The District Collector,
Tiruchirappalli District.

2.The Block Development Officer,
Poovaloor Union, Lalgudi Taluk,
Tiruchirappalli District.

+1 CC to M/s.N.SUDHAGAR NAGARAJ, Advocate (SR-9521[F] dated
02/03/2022)

+1 CC to M/s.SPL GP (SR-9257[F] dated 01/03/2022)

W.P. (MD)No.3660 of 2022

28.02.2022

MA (CO)

GC(10.03.2022) 3P 5C