



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.03.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.[MD]No.3905 of 2022

K.Senthurpandian

... Petitioner

/Vs./

1. The District Collector,
Thoothukudi District,
Thoothukudi.
2. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
3. The Regional Director,
Kovilpatti Municipality,
Rampopular Road,
Managavalampillai Nagar,
Palayamkottai.
4. The Commissioner,
O/o.Kovilpatti Municipality,
Kovilpatti,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondents especially the 4th respondent herein to conduct an enquiry by affording opportunity to the encroached lease holders and to remove the encroachments made by the lease holders in the pathway of Muthuramalinga Thevar Dinasari Santhai in Kovilpatti by considering the petitioner's representation dated 10.02.2022 within a stipulated time limit that may be fixed by this Court.

For Petitioner : Mr.T.Sakthikumaran

For Respondents : Mr.D.Sasi Kumar
Additional Government Pleader
for R1 & R2



ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents to conduct an enquiry by affording an opportunity to the encroached lease holders and to remove the encroachments made by the lease holders in the pathway of Muthuramalinga Thevar Dinasari Santhai in Kovilpatti by considering the petitioner's representation dated 10.02.2022, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that in the aforementioned daily market at Kovilpatti, there are several encroachers. As early as on 05.03.2021, by the proceedings of the fourth respondent, it was noticed that there are encroachers and steps were taken to remove the encroachers. But, according to the petitioner, even though the said proceedings was issued by the fourth respondent, till date, the encroachers have not been removed. In such circumstances, the petitioner has given a representation on 10.02.2022 to the fourth respondent requesting them to remove the encroachers. Since the representation has not been considered till date, the petitioner has filed this writ petition.

3.The petitioner claims to be the Secretary of the Dinasari Santhai Siru Vyaparigal Sangam, Kovilpatti Taluk and claims that their members are having shops in the daily market at Kovilpatti and therefore, they are stakeholders.

4.Heard Mr.T.Sakthikumaran, learned Counsel for the writ petitioner and Mr.D.Sasi Kumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 2.

5.No prejudice would be caused to the respondents, if the representation of the petitioner dated 10.02.2022 seeking for removal of encroachers in the daily market at Kovilpatti is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the fourth respondent deems fit to enquire.

6.Accordingly, this Court directs the fourth respondent to consider the representation of the petitioner dated 10.02.2022 seeking for removal of encroachers in the pathway of Dinasari Santhai Siru Vyaparigal Sangam, Kovilpatti Taluk and pass final orders, on merits and in accordance with law, after affording a fair hearing to the petitioner and other necessary parties, whom the fourth respondent deems fit to enquire, within a period of twelve [12] weeks 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.

Sd/-

Assistant Registrar

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// True Copy //

/ /2022

Sub Assistant Registrar

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,
Thoothukudi District,
Thoothukudi.
2. The Revenue Divisional Officer,
Kovilpatti,
Thoothukudi District.
3. The Commissioner,
O/o.Kovilpatti Municipality,
Kovilpatti,
Thoothukudi District.

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-9855[F] dated 03/03/2022)

+1 CC to M/s.SPL GP (SR-10217[F] dated 04/03/2022)

order made in
W.P.[MD]No.3905 of 2022
Dated:03.03.2022

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MS/17.03.2022/3P.6C