



W.P(MD)No.7831 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.11.2022

CORAM:

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

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K.Ponraj

... Petitioner

VS.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.
- 3.The Assistant Director of Panchayat,
Collector Office Complex,
Madurai.
- 4.The Tahsildar,
Peraiyur Taluk,
Madurai District.
- 5.The Executive Officer,
Elumalai Town Panchayat,
Elumalai,
Madurai.
- 6.K.Adheeswaran
- 7.K.Narayanamoorthi

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 4 and 5 to remove the encroachment made by the respondents 6 and 7 in public lane in Survey No.680/20 in Karaiveettukarar Street, Elumalai Town Panchayat, Peraiyur Taluk, Madurai District as per the order of the second respondent in Memo Na.Ka.No.1877/2013/A3, dated 08.06.2020 within the stipulated time.

For Petitioner	: Mr.C.Arul Vadivel @ Sekar
For RR 1 to 5	: Mr.S.P.Maharajan Special Government Pleader
For RR 6 & 7	: Mr.M.Karthikeya Venkatachalapathy

ORDER

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

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 4 and 5 to remove the encroachment made by the respondents 6 and 7 in the public lane in Survey No.680/20 in Karaiveettukarar Street, Elumalai Town Panchayat, Peraiyur Taluk, Madurai District, as per the order of the second respondent in Memo Na.Ka.No. 1877/2013/A3, dated 08.06.2020 within the stipulated time.



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2.The learned counsel appearing for the petitioner submitted that though the second respondent, vide proceedings in Na.Ka.No.1877/2018/A3, dated 08.06.2020, directed the fourth respondent to remove the encroachment made in the abovesaid survey number, till date, no action has been taken. Hence, the petitioner has filed the present Writ Petition.

3.The respondents 6 and 7 filed a typedset of papers, denying the averments made in the affidavit filed in support of the Writ Petition.

4.Considering the contentions of the petitioner as well as the respondents 6 and 7, the authorities concerned are directed to consider the claim of the petitioner in the light of the order passed by the second respondent, dated 08.06.2020, after giving sufficient opportunity of hearing to the petitioner as well as the respondents 6 and 7 and all other parties concerned for production of documentary evidences and for filing their objections and thereafter pass appropriate orders within a period of two weeks from the date of receipt of a copy of this order. If there is any encroachment in the place in question, the authorities concerned shall take



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necessary action for removal of the same, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight (8) weeks thereafter.

5.With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D.,J.] & [J.S.N.P.,J.]
15.11.2022

Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
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- 4.The Tahsildar,
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5.The Executive Officer,
Elumalai Town Panchayat,
Elumalai, Madurai.



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R.MAHADEVAN,J.

and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
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15.11.2022