



W.P(MD)No.12056 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2022

CORAM:

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

W.P(MD)No.12056 of 2021

Rajarathinam

... Petitioner

VS.

- 1.The District Collector,
Dindigul District, Dindigul.
- 2.The Tahsildar,
Aathoor Taluk,
Dindigul District.
- 3.The Block Development Officer,
Alamarathupatti,
Dindigul District.
- 4.Stella Mary
- 5.Justin
- 6.Mary

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made in the cart track by the respondents 4 to 6 in Survey No.42, situated at Renganathapuram, Alamarathupatti Post, Dindigul District, based on the petitioner's representation, dated 10.03.2021.

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For Petitioner : Ms.J.Malliga
For RR 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader
For RR 4 to 6 : Mr.G.Thangavel

ORDER

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

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachment made in the cart track by the respondents 4 to 6 in Survey No.42, situated at Renganathapuram, Alamarathupatti Post, Dindigul District, based on the petitioner's representation, dated 10.03.2021.

2. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the petitioner has not furnished the correct particulars with regard to the encroachment made by the respondents 4 to 6.

3. The learned counsel appearing for the petitioner now seeks liberty to approach the authorities concerned with a fresh representation enclosing all the details and supporting documents.

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4. Considering the submissions made on either side, without going into the merits of the claim made by the petitioner, this Writ Petition is disposed of with a direction to the petitioner to submit a fresh representation setting out his grievance to the respondents 1 to 3 along with all the supporting documents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the respondents 1 to 3 are directed to consider the same 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 and all other parties concerned, the authorities concerned are directed to take 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 six (6) weeks thereafter. No costs.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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DATED : 26.10.2022