



W.P.(MD) No.11021 of 2020

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.11021 of 2020

Abraham Pichaiah

... Petitioner

Vs.

- 1.The Tahsildar,
Taluk Office, Alangulam,
Thenkasi District.
- 2.The Deputy Superintendent of Police,
Alangulam, Thenkasi District.
- 3.The Inspector of Police,
Alangulam Police Station,
Thenkasi.
- 4.The Assistant General Manager,
Project & Business Development
Neyveli Lignite Corporation Ltd.,
No.6, I-Floor, No.8, Mayor Sathyamoorthy Road,
FXD Complex, Chetpet,
Egmore, Chennai – 600 031.



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5.L& T Limited,

Power Transmission & Distribution,
Mount Poonamallee Road,
Manapakkam, PB No.979,
Chennai – 600 089.

6.S.Ramanujam

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the representation of the petitioner dated 17.6.2020 to initiate action on the basis of encroachment report dated 10.09.2019 furnished by the 1st respondent.

For Petitioner : Mr.C.Christopher

For Respondents : Mr.G.V.Vairam Santhosh
Addl. Govt. Pleader for R1 to R3
Mr.V.H.S.Prathap for R4
Mr.M.Kandasamy for R5
Mr.P.Pethurajesh for R6

ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 herein to consider the representation of the



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petitioner dated 17.6.2020, to initiate action on the basis of the encroachment report dated 10.09.2019 furnished by the 1st respondent.

2. It is the claim of the petitioner that the respondents 4 to 6 and their men illegally trespassed into his patta lands and erected solar panels for manufacture of solar energy. Complaining the same, the petitioner made a representation to the respondents 1 to 3 to take appropriate action against the respondents 4 to 6. Pursuant thereto, the 1st respondent made a physical inspection of the petitioner's lands and found the illegal trespass by the respondents 4 and 5 and issued proceedings in A4/955/2019, dated 10.09.2019, affirming the aforesaid encroachment made by the respondents 4 to 6 and also advised the petitioner to work out his remedy by filing a police complaint. Therefore, the petitioner made a representation on 17.06.2020 to the respondents / police seeking to remove the aforesaid encroachment. However, till date, no steps have been taken by the respondents to remove the said encroachment. Hence, the petitioner has filed this Writ Petition.



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3. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the representation of the petitioner dated 17.06.2020 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, for which, the learned counsel for the petitioner is agreeable.

4. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the representation of the petitioner dated 17.06.2020, on merits and in accordance with law and remove the encroachment, as per the report of the first respondent dated 10.09.2019, 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 twelve (12) weeks from the date of receipt of a copy of this order. No costs.

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

vsm

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