



W.P.(MD)No.11483 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.10.2022

CORAM

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

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C.Senthil Kumar

... Petitioner

Vs.

1. The District Collector,
Tuticorin District, Tuticorin.

2. The Commissioner of Municipality,
Kovilpatti Municipality,
Kovilpatti, Tuticorin District.

3. Suresh Kumar.V

4. Kumar

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the second respondent to remove the encroachment made by the third respondent in Town Survey No.192, First Chekkadi Street, 17th Ward, Kovilpatti, Tuticorin District, within the stipulated as fixed by this Honble Court.

For Petitioner

: Mr.C.Mayilvahana Rajendran

For Respondents

: Mr.N.GA.Nataraj
Government Advocate



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for R1
Mr.P.Srinivas for R2
Mr.M.Prabhu for R3
No appearance for R4

ORDER

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

The petitioner has come forward with this writ petition praying to issue a Writ of Mandamus, directing the second respondent to remove the encroachment made by the third respondent in Town Survey No.192, First Chekkadi Street, 17th Ward, Kovilpatti, Tuticorin District, within a time frame.

2. Heard Mr.C.Mayilvahan Rajendran, learned counsel for the petitioner; Mr.N.GA.Nataraj, learned Government Advocate appearing for the first respondent; Mr.P.Srinivas, learned counsel appearing for the second respondent and Mr.M.Prabhu, learned counsel for the third respondent.

3. Pointing out that the third respondent has encroached upon the street in Town Survey No.192, First Chekkadi Street, 17th Ward, Kovilpatti, Tuticorin District, by constructing a house and thereby causing hardship to the general public, the petitioner submitted a representation dated 21.06.2021, to the first respondent and the same, according to learned counsel for the



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petitioner, is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 1 and 2 to consider and dispose of his representation dated 21.06.2021, in accordance with law, within a time frame.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of, with a direction to the respondents 1 and 2, to consider the representation of the petitioner dated 21.06.2021 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, third respondent and all other parties concerned, necessary action has to be taken by the authorities concerned for removal of such encroachment. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
26.10.2022

Internet : Yes / No
Index : Yes / No
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

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To

1. The District Collector,
Tuticorin District, Tuticorin.

2. The Commissioner of Municipality,
Kovilpatti Municipality,
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