



W.P.(MD)No.7628 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.10.2022

CORAM

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

W.P.(MD)No.7628 of 2019

S.Nehru

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District.

2. The Revenue Divisional Officer,
Revenue Divisional Office, Sathur,
Virudhunagar District.

3. The Tahsildar,
Vembakkottai Taluk,
Virudhunagar District.

4. The Executive Engineer,
Public Works Department,
Vaipaaru Division,
Virudhunagar.

5. T.Thirupathi

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to remove the encroachment made by 5th respondent in S.No.151/1 which is situated at K.Sathirapatty Village, Kanajampatty, Vembakkottai Taluk, Virudhunagar District, by considering the petitioner's representation dated 10/10/2018.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.S.P.Maharajan
Special Government Pleader
for R1 to R4
No appearance for R5

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 respondents to remove the encroachment made by the fifth respondent in Survey No.151/1, at K.Sathirapatty Village, Kanajampatty, Vembakkottai Taluk, Virudhunagar District, on the basis of the petitioner's representation dated 10/10/2018.

2. Heard J.Senthil Kumaraiah, learned counsel for the petitioner and Mr.S.P.Maharajan, learned Special Government Pleader appearing for the respondents 1 to 4.



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3. Pointing out that the fifth respondent has encroached into the “Odai” in Survey No.151/1, at K.Sathirapatty Village, Kanajampatty, Vembakkottai Taluk, Virudhunagar District and thereby obstructing the free flow of rain water running to the said Odai, the petitioner submitted a representation dated 10.10.2018, to the official respondents, which according to the learned counsel for the petitioner is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the official respondents to consider the representation of the petitioner dated 10.10.2018, in accordance with law.

4. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of 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 official respondents to consider the representation of the petitioner dated 10.10.2018 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, fifth respondent and any others concerned, necessary action has to be taken by the authorities for removal of encroachment in the said Odai in Survey No.151/1, at



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K.Sathirapatty Village, Kanajampatty, Vembakkottai Taluk, Virudhunagar

District, by following due process of law. 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.]
12.10.2022

Internet : Yes / No
Index : Yes / No
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To

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