



W.P.(MD)No.9100 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 12.10.2022

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

W.P(MD)No.9100 of 2019

Samburnam

... Petitioner

Vs.

1. The District Collector,
Trichy District.

2. The Revenue Divisional Officer,
Musiri Revenue Division Office,
Musiri, Trichy District.

3. The Tahsildar,
Musiri Taluk Office, Musiri, Trichy.

4. The Block Development Officer,
Musiri Panchayat Union, Musiri,
Trichy District.

5. The Executive Officer,
Venkai Mandalam Panchayat,
Venkai Mandalam, Musiri Taluk, Trichy District.

6. Kalaimani

7. Kumar

8. Sadhasivam

... 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 respondent Nos.1 to 5 to remove the encroachment made by the respondent Nos.6 to 8 in Survey No.476/1, classified as Vary situated at Venkai Mandalam Village, Musiri Taluk, Trichy District on the basis of the petitioners representation dated 28/03/2019.

For Petitioner : Mr.K.Arunraj

For Respondents : Mr.N.GA.Nataraj
Government Advocate
for R1to R3
Mr.M.Karuppasamy for R4 and R5
No appearance for R6 to R7

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 1 to 5 to remove the encroachment made by the respondents 6 to 8, in Survey No.476/1 at Venkai Mandalam Village, Musiri Taluk, Trichy District, classified as “Vaari”, on the basis of the petitioner's representation dated 28/03/2019.

2. Heard Mr.K.Arunraj, learned counsel for the petitioner; Mr.N.GA.Nataraj, learned Government Advocate appearing for the respondents 1 to 3 and Mr.M.Karuppasamy, learned counsel appearing for the respondents 4 and 5.



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3. Pointing out that the respondents 6 to 8 have encroached into the “Vaari” in Survey No.476/1, at Venkai Mandalam Village, Musiri Taluk, Trichy District, by constructing rooms and water tank and thereby obstructing free flow of the water running to the pond of Keelakannukulam Village, the petitioner submitted a representation 28.03.2019, to the official respondents, which according to the learned counsel for the petitioner is unattended. Hence, the Writ Petition.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied if a direction is issued to the respondents 3 and 4 to consider and dispose of the representation of the petitioner dated 28.03.2019, in accordance with law, within a time frame.

5. 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 3 and 4 to consider the representation of the petitioner dated



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28.03.2019 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, respondents 3 and 4 are directed to take necessary action for removal of the encroachments pointed out by the petitioner, 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 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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