



W.P(MD)No.13538 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.13538 of 2021
and
W.M.P(MD)No.10496 of 2021**

A.Manokaran

... Petitioner

VS.

1.The District Collector,
Madurai District.

2.The Revenue Divisional Officer,
Usilampatti,
Madurai District.

3.The Tahsildar,
Usilampatti,
Madurai District.

4.T.Parthiban

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made in Survey No.406/3, Valandur Village, Usilampatti Taluk, Madurai District by considering the representation of the petitioner, dated 29.06.2021.

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For Petitioner : Mr.R.Murali
For RR 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader
For R - 4 : Mr.K.R.Laxman

ORDER

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

The prayer made in this Writ Petition is to issue a Writ of Mandamus, directing the respondents 1 to 3 to remove the encroachments made in Survey No.406/3, Valandur Village, Usilampatti Taluk, Madurai District, by considering the representation of the petitioner, dated 29.06.2021.

2. The petitioner has made specific allegation against the fourth respondent that in the name of the Temple, the fourth respondent has encroached the Government land in the aforesaid survey number. However, the same was stoutly refuted by the learned counsel for the fourth respondent stating that there is no such encroachment made by the fourth respondent and that he is no way connected to the claim of the petitioner and therefore, he is not a necessary party to this Writ Petition.

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3. Today, when the matter was taken up for hearing, the learned Special Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that steps are being taken to remove the encroachment, as projected by the petitioner and that the encroachment will be removed by due process of law within a time frame.

4. In view of the abovesaid submission, this Writ Petition is disposed of with a direction to the authorities concerned to remove the encroachment in the place in question, after giving due notice and sufficient opportunity to all the parties concerned, including the fourth respondent, if he is found to be an encroacher and by following due process of law, within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

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

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

and

J.SATHYA NARAYANA PRASAD,J.

ps

**ORDER MADE IN
W.P(MD)No.13538 of 2021**

26.10.2022