



W.P(MD) No.13864 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM:

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

**W.P.(MD) No.13864 of 2020
and W.M.P(MD) No.11510 of 2020**

A.Habib Rehman

... Petitioner

-VS-

1. The District Collector,
Dindigul District, Dindigul.

2. The Kodaikanal Municipality,
Rep. by its Commissioner, Kodaikanal,
Dindigul District.

3. The Tahsildar,
Kodaikanal Town, Kodaikanal,
Dindigul District.

4. Saleth Mary

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to remove the encroachments made in T.S.No.3A2 and 3A1A, Block 20, Ward-D, Srinivasapuram, Kodaikanal, adjoining the petitioner's property by considering his representation dated 29.01.2020.



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W.P(MD) No.13864 of 2020

For Petitioner : Mr.M.Mahaboob Athiff
For Respondents : Mr.V.Nirmal Kumar,
Government Advocate
for R1 and R3
Mr.T.S.Mohamed Mohideen
Standing Counsel for R2
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 to remove the encroachments made in T.S.No.3A2 and 3A1A, Block 20, Ward-D, Srinivasapuram, Kodaikanal, adjoining the petitioner's property by considering his representation dated 29.01.2020.

2. Heard Mr.M.Mahaboob Athiff, learned counsel for the petitioner; Mr.V.Nirmal Kumar, learned Government Advocate appearing for the respondents 1 and 3 and Mr.T.S.Mohammed Mohideen, learned Standing Counsel appearing for the second respondent. It is reported that the fourth respondent herein is no more.

3. It is the case of the petitioner that he purchased properties measuring to an extent of 6.5 cents in T.S.No.3A2 and 2.48 cents in



W.P(MD) No.13864 of 2020

T.S.No.3A1A, for construction of a dwelling house. While so, some unknown persons have encroached the Government land adjacent to the petitioner's land and prevented free ingress and egress of men, materials and vehicles for the construction of his dwelling house. Pointing out the said encroachment, the petitioner submitted a representation dated 29.01.2020, to the respondents 1 to 3 and pursuant thereto, the first respondent through his proceedings in O.Mu.No.2872/2020/D2, dated 08.02.2020, forwarded the representation of the petitioner to the third respondent for taking appropriate action for removal of such encroachment, but the same, according to the learned counsel for the petitioner, remains as such.

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 1 to 3, to consider and dispose of his representation dated 29.01.2020, 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 claim made by the



W.P(MD) No.13864 of 2020

petitioner, this Writ Petition is disposed of with a direction to the respondents 1 to 3, to consider the representation of the petitioner dated 29.01.2020, if not considered earlier and if there is any encroachment as claimed by the petitioner, appropriate action shall be taken for removal of the same, after affording sufficient opportunity to the petitioner as well as the legal representative(s) of the fourth respondent and all other parties concerned 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.

[R.M.D., J.] [J.S.N.P., J.]
20.10.2022

Index : Yes / No
Internet : Yes / No
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To:

1. The District Collector,
Dindigul District, Dindigul.
2. The Commissioner,
Kodaikanal Municipality, Kodaikanal,
Dindigul District.
3. The Tahsildar,
Kodaikanal Town, Kodaikanal,
Dindigul District.



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W.P(MD) No.13864 of 2020

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W.P.(MD) No.13864 of 2020

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