



W.P.(MD)No.14216 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.P(MD)No.14216 of 2022

A.Deivanayagam

... Petitioner

Vs.

1.The Commissioner, Madurai Corporation,
Anna Malaigai, Madurai – 625 002.

2.The Assistant Commissioner,
Zone-2, Madruai Corporation,
Anna Maligai, Madurai – 625 002.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the second respondent to conduct the enquiry pending on his file in Na.Ka.No.MSC/Package-6/18-19/017222 within a time as stipulated by this Court after affording opportunity to the necessary parties concerned based on the petitioner's representation, dated 09.05.2022.

For Petitioner :Mr.N.Anandkumar

For Respondents :Mr.S.Vinayak



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ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This Writ Petition is filed for issuance of a Writ of Mandamus to direct the second respondent to conduct the enquiry pending on his file in Na.Ka.No.MSC/Package-6/18-19/017222 within a time as may be stipulated by this Court after affording opportunity to the necessary parties concerned based on the petitioner's representation, dated 09.05.2022.

2.Heard Mr.N.Anandakumar, learned Counsel for the petitioner and Mr.S.Vinayak, learned Standing Counsel, who takes notice on behalf of the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3.We are not going into the facts in details. However, the question to be decided is whether the purpose of the enquiry is to find out whether the petitioner is in encroachment of a public land or not.

4.The learned Standing Counsel appearing for the respondents has no objection for concluding the enquiry within a reasonable time.



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5.Considering the limited scope of prayer in the Writ Petition, without expressing any opinion on the representation of the petitioner or the contention in the affidavit filed in support of this Writ Petition, this Court directs the first respondent to consider the petitioner's representation, dated 09.05.2022 and pass appropriate orders on merits and in accordance with law within a period of six weeks from the date of receipt of receipt of a copy of this order after a survey with the assistance of Tahsildar, if necessary. If it is found that the petitioner is in encroachment of any portion of the public land, the first respondent is directed to pass final orders after concluding the enquiry and considering the objections/representation already submitted by the petitioner.

6.With the above directions, this Writ Petition is disposed of. No costs.

[S.S.S.R., J.] [S.S.Y., J.]
05.07.2022

Index : Yes / No

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and

S.SRIMATHY, J.

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