



W.P(MD)No.15923 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.10.2022

CORAM:

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

**W.P(MD)No.15923 of 2021
and
W.M.P(MD)No.12845 of 2021**

1.K.Satheeshkumar
2.K.R.Naveen Kishore

... Petitioners

vs.

- 1.The District Collector,
Virudhunagar District,
Virudhunagar.
- 2.The Assistant Director (Panchayat),
Office of the Assistant Director Panchayat,
Collectorate Complex,
Virudhunagar District,
Virudhunagar.
- 3.The Tahsildar,
Taluk Office,
Sivakasi.
- 4.The Commissioner,
Vembakottai Panchayat Union Office,
Vembakottai,
Virudhunagar District.



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5.The Village Administrative Officer,
Duraisamipuram Village,
Sivakasi Taluk,
Virudhunagar District.

6.Krishnasamy

7.Ganesan

8.Kaliappan

9.Muthusamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to consider the representations, dated 21.06.2021 and 23.06.2021 and consequently direct the first respondent to remove the illegal encroachment in front of patta land on the Government poramboke land / road in S.No. 314/2 of Durisamypuram Village, Sivakasi Taluk, Virudhunagar District, which is used as ingress and egress for the petitioners' patta lands within a time frame.

For Petitioners : Mr.B.Prahalad Ravi

For RR 1 & 2 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For R – 3 : Mr.D.Senthil

ORDER

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

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents 1 to 5 to consider the representations



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of the petitioners, dated 21.06.2021 and 23.06.2021 and consequently to direct the first respondent to remove the illegal encroachment made in front of their patta lands ie., Government poramboke land / road in S.No.314/2 of Durisampuram Village, Sivakasi Taluk, Virudhunagar District, which is used as ingress and egress for the petitioners' patta lands within a time frame.

2. Seeking removal of the aforesaid encroachment, the petitioners made representations, dated 21.06.2021 and 23.06.2021 to the official respondents. Since the same has not been considered so far, the petitioners have filed the present Writ Petition.

3. The learned Special Government Pleader appearing for the respondents 1 to 3, on instructions, submitted that the petitioners' representations, dated 21.06.2021 and 23.06.2021 would be considered and appropriate action will be taken in accordance with law.

4. In view of the above, without going into the merits of the claim made by the petitioners, the authorities concerned are directed to consider the representations of the petitioners, dated 21.06.2021 and 23.06.2021 and pass appropriate orders, on merits and in accordance with



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law. If there is any encroachment as claimed by the petitioners, after issuing notice and conducting survey in the presence of the petitioners and all other parties concerned, the authorities concerned are directed to take necessary action for removal of encroachment, after affording sufficient opportunity of personal hearing to all the parties concerned and by following due process of law, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[R.M.D.,J.] [J.S.N.P.,J.]
27.10.2022

Index : Yes / No
Internet : Yes
ps

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The Assistant Director (Panchayat),
Office of the Assistant Director Panchayat,
Collectorate Complex, Virudhunagar District,
Virudhunagar.

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- 3.The Tahsildar,
Taluk Office,
Sivakasi.
- 4.The Commissioner,
Vembakottai Panchayat Union Office,
Vembakottai,
Virudhunagar District.
- 5.The Village Administrative Officer,
Duraismipuram Village,
Sivakasi Taluk,
Virudhunagar District.



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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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DATED : 27.10.2022