



W.P(MD)No.15858 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.10.2022

CORAM:

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

W.P(MD)No.15858 of 2019

A.Shanmugam

... Petitioner

VS.

1.The District Collector,
Tirunelveli District,
Tirunelveli.

2.The Commissioner,
Tirunelveli Corporation,
Tirunelveli.

3.Nainar

... 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 and 2 to remove the encroachment made by the third respondent in Town Survey No.54, Block No.9, Gandhimathi Nagar, Ward No.48, I.C.Pettai, Tirunelveli Corporation, Tirunelveli Taluk, Tirunelveli District based on the petitioner's representations, dated 12.04.2019 and 03.06.2019.



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For Petitioner : Mr.T.Selvan

For R - 1 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

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 and 2 to remove the encroachment made by the third respondent in Town Survey No.54, Block No.9, Gandhimathi Nagar, Ward No.48, I.C.Pettai, Tirunelveli Corporation, Tirunelveli Taluk, Tirunelveli District, based on the petitioner's representations, dated 12.04.2019 and 03.06.2019.

2. The learned counsel appearing for the petitioner submitted that though the petitioner made representations, dated 12.04.2019 and 03.06.2019 to the authorities concerned seeking to remove the encroachment made by the third respondent, till date no steps have been taken by the official respondents to remove the same. Hence, this Writ Petition.



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3. The learned Additional Government Pleader appearing for the first respondent, on instructions, submitted that the representations of the petitioner, dated 12.04.2019 and 03.06.2019 would be considered and appropriate action will be taken, for which, the learned counsel appearing for the petitioner is agreeable.

4. Recording the abovesaid submission, this Writ Petition is disposed of directing the official respondents to consider the representations of the petitioner, dated 12.04.2019 and 03.06.2019 on merits and in accordance with law. If there is any encroachment, the authorities concerned shall remove the same, 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.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
13.10.2022



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

ps

ORDER MADE IN
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