



W.P(MD)No.16124 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.16124 of 2021

P.M.K.Tajudeen

... Petitioner

VS.

1.The District Collector,
Office of the District Collectorate,
Thanjavur.

2.The Tahsildar,
Pattukottai Taluk Office,
Pattukottai Taluk,
Thanjavur District.

3.The Block Development Officer,
Pattukottai Panchayat Union,
Pattukottai,
Thanjavur District.

4.The President,
Eripurakarai Village Panchayat,
Pattukottai Panchayat Union,
Thanjavur District.

5.Mohammed Razik

... Respondents



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WEB 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 4 herein to remove the encroachments made by the fifth respondent in respect of the landed property in Survey No.286/2 classified as a Vellakulam Tank situated at Eripurakarai Village Panchayat and restore the same in its original position by considering the petitioner's representation, dated 12.08.2021 within the time stipulated by this Court.

For petitioner : Mr.J.Lawrance
For RR 1 to 4 : Mr.S.P.Maharajan
Special Government Pleader
For R – 5 : Mr.B.Jameelarasu

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 4 to remove the encroachments made by the fifth respondent in respect of the landed property in Survey No.286/2, which is classified as a Vellakulam Tank situated at Eripurakarai Village Panchayat and restore the same in its original position by considering the petitioner's representation, dated 12.08.2021, within a time frame.



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2. Seeking removal of the aforesaid encroachment, the petitioner made a representation, dated 12.08.2021 to the official respondents. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

3. The learned Special Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the petitioner's representation, dated 12.08.2021 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 petitioner, the authorities concerned are directed to consider the representation of the petitioner, dated 12.08.2021 and pass appropriate orders, on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner and all other parties concerned, the authorities concerned shall take necessary action for removal of such encroachment, after affording sufficient opportunity of



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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.

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

Index : Yes / No
Internet : Yes
ps

To

- 1.The District Collector,
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R.MAHADEVAN,J.
and
J.SATHYA NARAYANA PRASAD,J.

ps

ORDER MADE IN
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