



W.P(MD)No.16448 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.11.2022

CORAM:

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

W.P(MD)No.16448 of 2021

Kumar

... Petitioner

VS.

- 1.The Secretary to Government,
(Rural Department and Panchayat Raj Department),
Chief Minister Cell, Fort St. George,
Chennai – 600 009.
- 2.The District Collector,
Collectorate,
Ramanathapuram,
Ramanathapuram District.
- 3.The Director / Commissionerate,
Municipalities and Panchayat Administration,
11th FLR, Urban Administrative BLDG,
(Opposite CIBA BLDG),
No.75, Santhome High Road,
MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.
- 4.The Assistant Director,
Administration of Town Panchayat and Union Offices,
Sivagangai,
Sivagangai District.



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5.The Tahsildar,
Taluk Office,
Thiruvadanai,
Ramanathapuram District.

6.The Executive Officer,
Thondi Town Panchayat Office,
Thondi,
Thiruvadanai Taluk,
Ramanathapuram District.

7.Velusamy

8.Pagampiriyal

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 to 6 herein to remove illegal unauthorized construction made by the respondents 7 and 8 in Survey No.19/3 having an extent of 2 acres 66 cents situated at Perumanendal Village, Thondi Group, Thiruvadanai Taluk, Ramanathapuram District in the light of the petitioner's representation, dated 19.08.2021.

For Petitioner : Mr.S.Muthukumar

For RR 1 to 6 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For RR 7 & 8 : Mr.Dhana Aravindha Balaji



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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 2 to 6 herein to remove illegal unauthorized construction made by the respondents 7 and 8 in Survey No.19/3 having an extent of 2 acres 66 cents situated at Perumanendal Village, Thondi Group, Thiruvadanai Taluk, Ramanathapuram District in the light of the petitioner's representation, dated 19.08.2021.

2.The learned counsel appearing for the petitioner submitted that though the petitioner made a representation, dated 19.08.2021 to the respondents for removal of encroachment made by the respondents 7 and 8 in the abovesaid survey number, till date, the same has not been considered. Hence, this Writ Petition.

3.The learned Additional Government Pleader appearing for the respondents 1 to 6 submitted that the petitioner's representation dated 19.08.2021 would be considered and appropriate action will be taken in accordance with law.



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4. In view of the above, without going into the merits of the claim made by the petitioner, the sixth respondent is directed to consider the representation of the petitioner, dated 19.08.2021 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, the sixth respondent is 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 twelve (12) 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.

Index : Yes / No
Internet : Yes
ps

[R.M.D.,J.] [J.S.N.P.,J.]
24.11.2022



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R.MAHADEVAN,J.
and
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ORDER MADE IN
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DATED : 24.11.2022