



W.P.(MD) No.19170 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.19170 of 2021

N.Selvam

... Petitioner

-vs-

- 1.The District Collector
Office of the District Collector
Madurai District
- 2.The Commissioner
Madurai City Municipal Corporation
Arignar Anna Maligai
Thallakumam, Madurai
- 3.The Revenue Divisional Officer
Office of the Revenue Divisional Officer
Melur Revenue Division
- 4.The Tahsildar
Office of the Tahsildar
Madurai South Taluk
Madurai District

5.C.Arumugam

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to remove the encroachments made and the board put up by the fifth respondent in burial ground belonged to Kol Asari working in Sree Meenakshi Amman Temple, Madurai, in Survey No.382, situating at Avaniyapuram Village, in Madurai City Municipal Corporation in accordance with law, within a time frame.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.G.V.Vairam Santhosh
Additional Government Pleader for R1 to R4
No appearance for R5

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 to remove the encroachments and the board put up by the fifth respondent in the burial ground in Survey No.382 of Avaniyapuram Village, Madurai City Municipal Corporation, in accordance with law, within a time frame.



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2. The grievance of the petitioner is that though he made representations to the respondents 1 to 4 as early as on 12.08.2021, 28.09.2021, 12.10.2021 and 13.10.2021 seeking removal of the encroachment and the board put up by the fifth respondent in the aforesaid survey number, till date the same have not been considered.

3. The learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the petitioner's representations dated 12.08.2021, 28.09.2021, 12.10.2021 and 13.10.2021 would be considered and appropriate action would 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 second respondent is directed to consider the petitioner's representations dated 12.08.2021, 28.09.2021, 12.10.2021 and 13.10.2021 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, the same shall be removed, after giving due notice 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.



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5. With the above direction, this writ petition is disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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