



W.P.(MD) No.20244 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.20244 of 2021

Raj @ Ponnusamy

... Petitioner

-vs-

1.The District Collector
Madurai District, Madurai

2.The Project Director
District Rural Development Agency
Madurai District, Madurai

3.The Thasildar
Peraiyur Taluk
Madurai District

4.The Block Development Officer
(Village Panchayats)
T.Kallupatti Panchayat Union
Madurai District

5.The President
S.Arasapatti Village Panchayat
T.Kallupatti Panchayat Union
Madurai District

6.Saraswathi

... Respondents



W.P.(MD) No.20244 of 2021

WEB

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to remove the encroachment in Survey No.289/6 for an extent of 6 Meter (19 ½ feet) which is situated at Arasapatti Village, Peraiyur Taluk, Madurai District, on the basis of the petitioner's representation dated 04.10.2021, within a time frame and to direct the respondents to forbear to lay the channel and drainage water flow in petitioner's Patta land.

For Petitioner : Mr.T.Vadivelan

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1 to R5
No appearance for R6

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 encroachment in Survey No.289/6 of Arasapatti Village, Peraiyur Taluk, Madurai District and to forbear them from laying channel in the petitioner's Patta land, based on his representation dated 04.10.2021.



W.P.(MD) No.20244 of 2021

WEB COPY

2. The grievance of the petitioner is that though he made a representation to the official respondents as early as on 04.10.2021 seeking removal of the encroachment made in the aforesaid survey number and to forbear them from laying any channel in his patta land, till date the same has not been considered.

3. The learned Government Pleader appearing for the respondents 1 to 5, on instructions, submitted that the petitioner's representation dated 04.10.2021 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 respondents 1 to 4 are directed to consider the petitioner's representation dated 04.10.2021 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.



W.P.(MD) No.20244 of 2021

WEB COPY

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 / No

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To:

- 1.The District Collector,
Madurai District, Madurai.
- 2.The Project Director,
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Madurai District, Madurai.
- 3.The Thasildar,
Peraiyur Taluk,
Madurai District.
- 4.The Block Development Officer,
(Village Panchayats),
T.Kallupatti Panchayat Union,
Madurai District.
- 5.The President,
S.Arasapatti Village Panchayat,
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