



W.P.(MD)No.20535 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.07.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

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P.Subbaiah

... Petitioner

Vs.

1.The District Collector,
Thoothukudi District,
Thoothukudi.

2.The Assistant Director(Panchayat),
O/o.the Assistant Director (Panchayat),
District Collector Office Campus,
Thoothukudi.

3.The Executive Officer,
O/o.Kayathar Town Panchayat Office,
Kayathar.

4.The Tahsildar,
Kayathar,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 4 herein to take steps to remove the alleged encroachment in the Government land in Survey No.708/93



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situated at Kayathar Village, Thoothukudi District and also direct the respondents to restore the common well to the public access by way of considering the petitioner's representation dated 08.10.2021 within a stipulated time.

For Petitioner : Mr.S.Saravanan

For R-1 to R-4 : Mr.N.Satheesh Kumar,
Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This writ petition is filed for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein, to take steps to remove the alleged encroachment in the Government land in Survey No.708/93 situated at Kayathar Village, Thoothukudi District and also direct the respondents to restore the common well to the public access by way of considering the petitioner's representation, dated 08.10.2021, within a stipulated time.



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2. Heard Mr.S.Saravanan, learned counsel for the petitioner, Mr.N.Satheesh Kumar, learned Additional Government Pleader for respondents.

3. The petitioner's grievance is that he has made a representation before the respondents to remove the encroachment made in Survey No.708/93 situated at Kayathar Village, Thoothukudi District. But, the said representation is not considered by the respondents so far.

4. The learned Additional Government Pleader, on instructions, submitted that the encroachment is in respect of a small bit of land measuring an extent of around 11 sq. ft.

5. In such circumstances, this writ petition is disposed of without expressing any opinion on merits of the case as projected by the petitioner either in his representation or in the affidavit filed in support of this petition, by directing the fourth respondent to consider the representation of the petitioner, dated 08.10.2021 and pass appropriate order on



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the same or take appropriate action as may be required in law.

The whole exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

It is needless to state that proper opportunity shall be given to the occupant before passing any order. The action taken on the representation of the petitioner shall be communicated to the petitioner. No Costs.

[S.S.S.R., J.] [S.S.Y., J.]
22.07.2022

Index : Yes / No

pm

To

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Thoothukudi District,
Thoothukudi.
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O/o.the Assistant Director (Panchayat),
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and
S.SRIMATHY, J.
pm

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