



W.P.(MD)No.22252 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.09.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.22252 of 2022

Gnanasikamani

... Petitioner

Vs.

1.The District Collector,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Paramakudi,
Ramanathapuram District.

3.The Tahsildar,
Kamuthi Taluk Office,
Ramanathapuram District.

4.Mohammed Gani,
President of Pillai Pallivasal,
S/o Yusab,
A.Pudur, Anaiyor (Post),
Abiramam (Via),
Kamuthi (Taluk),
Ramanathapuram District.

5.Muthupakkiyam

6.Banu

7.Sakkiriya

8.Rajanayagam @ Anish Mohammed

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 3rd respondent to consider the petitioners representation dated 27.11.2018 and consequently direct the 3rd respondent to remove the encroachment of ridge in Survey No.238/2A1B Norther side at Natham Village, A.Pudur, Abiramam (Via), Kamuthi Taluk, Ramanathapuram District.

For Petitioner : Mr.P.Muthusamy

For Respondents 1 to 3 : Mr.P.Thilak Kumar
Government Pleader

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

The petitioner has come forward with this writ petition praying to issue a writ of mandamus directing the 3rd respondent to consider the petitioner's representation dated 27.11.2018, and consequently to direct the 3rd respondent to remove the encroachment of ridge in Survey No.238/2A1B Norther side at Natham Village, A.Pudur, Abiramam (Via), Kamuthi Taluk, Ramanathapuram District.

2. Heard Mr.P.Muthusamy, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader



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appearing for respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 4 to 8 is dispensed with.

4. Claiming that the respondents 4 to 8 have encroached the northern ridge of Survey No.238/2A1B, Natham Village, A.Pudur, Abiramam (Via), Kamuthi Taluk, Ramanathapuram District and thereby preventing the Villagers to go to their lands, the petitioner submitted a representation to the official respondents on 27.11.2018 and the same, according to the learned counsel for the petitioner, remains unattended.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied if a direction is issued to the third respondent to consider the representation of the petitioner dated 27.11.2018, in accordance with law.



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6. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the claim made by the petitioner either in the representation or in the affidavit filed in support of the Writ Petition, this Writ Petition is disposed of with a direction to the third respondent to consider the representation of the petitioner dated 27.11.2018 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, the respondents 4 to 8 and any other parties concerned, necessary action has to be taken by the authorities for removal of encroachment in the northern ridge of Survey No.238/2A1B, Natham Village, A.Pudur, Abiramam (Via), Kamuthi Taluk, Ramanathapuram District. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
21.09.2022

Index : Yes / No
sj



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sj

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