



W.P.(MD) No.21069 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.21069 of 2021

P.Kumar

... Petitioner

-Vs-

1.The District Collector,
Karur District,
Karur.

2.The Revenue Divisional Officer,
Kuzhithalai Taluk,
Kuzhithalai,
Karur District.

3.The Thasildar,
Kuzhithalai Taluk,
Kuzhithalai, Karur District.

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4.The Assistant Divisional Engineer,
Highways Department,
Kuzhithalai, Karur District.

5.The Block Development Officer,
Thogamalai Panchayat Union,
Kuzhithalai Taluk, Karur District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachment made by the private individual persons in Survey Nos.194/1-E, 217/1, 211, 214, 218, 219, 782, 799 and 204 situated at Keezhaveliyur, Kalladai Village, Thogamalai Panchayath Union, Kuzhithalai Taluk, Karur District in the light of the communication of the 2nd respondent dated 27.10.2021 based on the representation of the petitioner dated 13.10.2021 within a time frame as fixed by this Court.

For Petitioner	: Mr.B.Prahalad Ravi
For R1 to R4	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R5	: Mr.P.Thambithurai



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ORDER

[Order of the Court was made by R.MAHADEVAN, J.]

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents to remove the encroachment made by the private persons in Survey Nos.194/1-E, 217/1, 211, 214, 218, 219, 782, 799 and 204 situated at Keezhaveliyur, Kalladai Village, Thogamalai Panchayath Union, Kuzhithalai Taluk, Karur District, in the light of the communication of the 2nd respondent, dated 27.10.2021 based on the representation of the petitioner dated 13.10.2021, within a time frame.

2.The case of the petitioner is that the aforesaid survey numbers are classified as Government poramboke in the revenue records and some private persons have encroached upon the said lands and constructed a shopping complex therein. Hence, the petitioner made a representation dated 13.10.2021 to the respondents. Pursuant to the same, the 2nd respondent has addressed a communication in O.Mu.No.A4/4456/2021, dated 27.10.2021 to the 3rd respondent to take necessary action to remove the encroachments in the place in

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question. The said communication has also been marked to the petitioner. However, till date, no action has been taken. Hence, this Writ Petition.

3.The learned Additional Government Pleader appearing for the respondents 1 to 4 would submit that the representation of the petitioner dated 13.10.2021 would be considered on merits and necessary survey would be conducted in the place in question and then, appropriate action would be taken to remove the encroachment, if any, by due process of law, within a time frame.

4.Considering the limited scope of the prayer sought for by the petitioner, this Court, without going into the merits of the case, directs the authorities concerned to consider the representation of the petitioner dated 13.10.2021 and pass appropriate orders on merits and in accordance with law. The authorities concerned are directed to conduct a survey in the place in question in the presence of the petitioner and all the parties concerned, after serving them due notice well in advance. If the survey reveals any encroachment, the same shall be removed, after affording sufficient opportunity



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to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of eight (8) 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.

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

28.10.2022

Index : Yes / No

Internet : Yes / No

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To

1. The District Collector,
Karur District, Karur.

2. The Revenue Divisional Officer,
Kuzhithalai Taluk,
Kuzhithalai, Karur District.

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3.The Thasildar,
Kuzhithalai Taluk,
Kuzhithalai, Karur District.

4.The Assistant Divisional Engineer,
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