



W.P.(MD) No.22938 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.22938 of 2022

Nattathi Nadara Uravinmurai Sangam,

Reg.No.45/2013,

Through its Secretary,

N.Jeyabal

... Petitioner

-Vs-

1.The Commissioner of Town Panchayat,
Commissionerate of Town Panchayat,
7th & 8th Floor, Urban Administrative Office Campus,
Chennai – 600 028.

2.Assistant Director of Town Panchayat,
Madurai Colletorate,
Madurai.

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3.The Executive Officer,
Town Panchayat Office,
Ward 7, Perumalpatti Road,
Elumalai.

4.The Thasildar,
Taluk Office, Peraiyur

5.Sevuga Perumal

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 3rd respondent herein to remove the encroachment made by the 5th respondent measuring an extent of 18 x 6 feet in Sr.No.578 salai poramboke in front of the petitioner's property within the time stipulated by this Court.

For Petitioner : Mr.M.Vijayarathinam

For R1 to R4 : Mr.S.P.Maharajan

Special Government Pleader



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ORDER

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

This Writ Petition has been filed, seeking for a direction to the 3rd respondent herein to remove the encroachment made by the 5th respondent in Survey No.578 measuring an extent of 18 x 6 feet salai poramboke in front of the petitioner's property.

2.Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents 1 to 4. Considering the nature of the order proposed to be passed, notice to the fifth respondent is dispensed with.

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

4.The case of the petitioner is that the petitioner Sangam has purchased the property in Survey No.704/4, measuring an extent of 18X41 feet in the year 1951 and rented out the same for a period of one year to the father of the 5th



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respondent where he was running a hotel. He also extended the tin roof about 6 feet in front of the hotel wherein, he was running a tea stall. After the expiry of the contract period, the fifth respondent closed the hotel and handed over the key to the petitioner Sangam. As the building was in dilapidated condition, the petitioner Sangam decided to demolish the same. When the petitioner visited the property in question, he found that the 5th respondent encroaching the front portion of the property in question was conducting a tea stall without getting any permission from the petitioner Sangam. Hence, the petitioner made a representation dated 11.04.2022 to the 4th respondent and the same was forwarded to the 3rd respondent, vide communication dated 01.07.2022, for taking action against the 5th respondent. Since no action was taken, the petitioner again sent a representation dated 12.09.2022 to the official respondents, however the same was also not considered. Hence, this Writ Petition.

5.The learned Special Government Pleader appearing for the respondents 1 to 4 would submit that the representations of the petitioner dated



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11.04.2022 and 12.09.2022, respectively will be considered and an appropriate order will be passed within a time frame to be fixed by this Court.

6. Recording the above said submission, without going into the merits of the claim made by the petitioner, we direct the 3rd respondent to consider the representations of the petitioner, dated 11.04.2022 and 12.09.2022 in the light of the internal communication of the 4th respondent dated 01.07.2022 and pass appropriate orders on merits and in accordance with law, after giving opportunity of hearing to all the parties concerned, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. 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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AND

J.SATHYA NARAYANA PRASAD, J.

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