



W.P.(MD)No.23039 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.09.2022

WEB COPY

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.23039 of 2022

K.Muthu Uthamundar

... Petitioner

Vs.

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Ilppur Revenue Division,
Pudukkottai District.
- 3.The Tahsildar,
Kulathur Taluk,
Keeranur,
Pudukkottai District.
- 4.The Block Development Officer,
Kundandarkovil Village Panchayat Union,
Kulathur Taluk,
Pudukkottai District.
- 5.The Village Panchayat President,
Mootampatti Panchayat,
Kundandarkovil Village Panchayat Union,
Kulathur Taluk,
Pudukkottai District.
- 6.Dhanapathy



W.P.(MD)No.23039 of 2022

7.Govindasamy

8.Umapathy

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 5 to take appropriate action to remove the encroachment made in Sambathkulam @ Samba Oorani situate in S.F.No.184/2 with an extent of 10.45 Acres in Mootampatti Village, Kulathur Taluk, Pudukkottai District made by the respondents 6 to 8 and restore the same to its original capacity.

For Petitioner : Mr.K.Baalasundharam

For Respondents 1 to 4 : Mr.S.P.Maharajan
Special 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 respondents 1 to 5 to take appropriate action to remove the encroachment made in Sambathkulam @ Samba Oorani situated in S.F.No.184/2 with an extent of 10.45 Acres in Mootampatti Village, Kulathur Taluk, Pudukkottai District, made by the respondents 6 to 8 and restore the same to its original capacity.



W.P.(MD)No.23039 of 2022

WEB COPY

2. Heard Mr.K.Baalasundharam, learned counsel for the petitioner and Mr.S.P.Maharajan learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4. 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 5 to 8 is dispensed with.

4. Pointing out that the respondents 6 to 8 have made encroachment in Sambathkulam @ Samba Oorani situated in S.F.No.184/2, measuring an extent of 10.45 Acres, in Mootampatti Village, Kulathur Taluk, Pudukkottai District and constructed three houses, the petitioner submitted a representation to the official respondents on 30.06.2022 and the same, according to the learned counsel for the petitioner, remains as such.



W.P.(MD)No.23039 of 2022

4. 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 – Tahsildar to consider the representation of the petitioner dated 30.06.2022, in accordance with law.

5. 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 30.06.2022 and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, third respondent is directed to issue notice and conduct survey in the presence of the petitioner, respondents 6 to 8 and all other parties concerned and take necessary action for removal of the encroachment in Sambathkulam @ Samba Oorani situate in S.F.No.184/2, Mootampatti Village, Kulathur Taluk, Pudukkottai District after affording an opportunity of hearing to all the parties concerned and by following due process of law. Such an exercise



W.P.(MD)No.23039 of 2022

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.]
30.09.2022

Internet : Yes/No
Index : Yes / No
sj

To

- 1.The District Collector,
Pudukkottai District,
Pudukkottai.
- 2.The Revenue Divisional Officer,
Ilppur Revenue Division,
Pudukkottai District.
- 3.The Tahsildar,
Kulathur Taluk,
Keeranur,
Pudukkottai District.
- 4.The Block Development Officer,
Kundandarkovil Village Panchayat Union,
Kulathur Taluk,
Pudukkottai District.



WEB COPY



W.P.(MD)No.23039 of 2022

R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

W.P(MD)No.23039 of 2022

30.09.2022