



W.P.(MD) No.21432 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.21432 of 2021
and W.M.P.(MD)No.18000 of 2021

Kasim Rasvi

... Petitioner

Vs.

1.The District Collector,
O/o. The District Collector,
Madurai District.

2.The Commissioner,
O/o.Madurai Corporation,
Madurai City.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing to restrain the 2nd respondent and his man and agent and any other from making any encroachment on petitioner's Dharga land situated at Madurai North, Thirupalai Revenue Village Patta No.2424 under the



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Survey No.79/4 measuring 42 cents of Area by considering the petitioner's representation dated 18.11.2021.

For Petitioner : Mr.Prabhu Rajadurai for
Mr.S.M.A.Jinnah

For Respondents : Mr.V.Nirmal Kumar,
Govt. Advocate for R1
Mr.K.K.Kannan for R2

ORDER

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

This Writ Petition has been filed for issuance of a Writ of Mandamus, to restrain the 2nd respondent and his men and agent and any other from making any encroachment on the petitioner's Dharga land, situated at Madurai North, Thirupalai Revenue Village, in Patta No.2424 under the Survey No.79/4, measuring 42 cents, by considering the petitioner's representation dated 18.11.2021.



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2. It is the claim of the petitioner that he is the Manager of the Goripalayam Mosque and the 2nd respondent and their men illegally trespassed into the Dharga lands and erected a shed and also digging sand by using bulldozers. Due to that, they were unable to conduct any Dharga rituals, special prayers and festivals celebration. Complaining the same, the petitioner made a representation on 18.11.2021, to the respondents seeking to remove the aforesaid encroachment. However, till date, no steps have been taken by the respondents to remove the said encroachment. Hence, the petitioner has filed this Writ Petition.

3. The learned Government Advocate appearing for the 1st respondent submitted that the competent authority is the Tahsildar, Madurai North and if a direction is issued to the said Tahsildar, to consider the representation of the petitioner dated 18.11.2021, appropriate action will be taken to remove the encroachment, for which, the learned counsel for the petitioner is agreeable.



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4. Recording the above submission, this Writ Petition is disposed of with a direction to the first respondent to issue necessary orders to the Tahsildar, Madurai North to consider and dispose of the representation of the petitioner dated 18.11.2021, on merits and in accordance with law. The Tahsildar, Madurai North may also be directed by the 1st respondent to conduct survey in the place in question, in the presence of the petitioner and the second respondent, and if there is any encroachment in the place in question, the same shall be removed, after affording sufficient opportunity to all the parties concerned and by following due process of law. Such an exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

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

17.11.2022

vsm



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To

- 1.The District Collector,
O/o. The District Collector,
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- 3.The Tahsildar,
Madurai North.



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