



W.P.(MD) No.22440 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.22440 of 2019

G.Lingappan

... Petitioner

Vs.

1.The District Collector,
Theni District,
Theni.

2.The Thashildar,
Aundipatti Taluk,
Theni District.

3.The Block Development Officer,
(Village Panchayats)
Aundipatti Panchayat Union,
Aundipatti,
Theni District.

4.Anbumani

... Respondents

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PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents 2 and 3 to remove the encroachment made by the 4th respondent in S.No.243/1 [which is a street] of Kothaluthu Village, Aundipatti Taluk, Theni District and to restore to its original position.

For Petitioner : Mr.D.Malaichamy

For Respondents : Mr.N.GA.Nataraj
Govt. Advocate for R1 & R2
Mr.A.Thiyagarajan for R3
Mr.T.Thirumurugan for R4

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 2 and 3 to remove the encroachment made by the 4th respondent in S.No.243/1 at Kothaluthu Village, Aundipatti Taluk, Theni District and to restore same to its original position.



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2. The learned counsel appearing for the petitioner submitted that though the petitioner made representations on 19.08.2019 and 21.08.2019 to the respondents 1 and 2 respectively seeking to remove the aforesaid encroachment, till date no steps have been taken by the respondents to remove the same. Hence, the petitioner has filed this Writ Petition.

3. The learned Government Advocate appearing for the respondents 1 and 2 submitted that there is an encroachment in the land in question and the representations of the petitioner dated 19.08.2019 and 21.08.2019 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, for which, the learned counsel for the petitioner is agreeable.

4. Recording the above submission, this Writ Petition is disposed of with a direction to the official respondents to consider the representations of the petitioner dated 19.08.2019 and 21.08.2019, on merits and in accordance with law, if not considered earlier. If there is any encroachment, the authorities



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concerned shall remove the same, 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 eight (8) weeks from the date of receipt of a copy of this order. No costs.

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

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vsm



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