



W.P.(MD)No.23873 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.10.2022

CORAM

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

W.P(MD)No.23873 of 2022
and W.M.P(MD) No.17942 of 2022

V.Murugesan

... Petitioner

Vs.

1. The District Collector,
Virudhunagar District,
Virudhunagar.

2. The Tahsildar,
Virudhunagar Taluk,
Virudhunagar District.

3. The Block Development Officer,
Virudhunagar Panchayat Union,
Virudhunagar District.

4. The President,
Kooraikundu Village Panchayat,
Virudhunagar Panchayat Union,
Virudhunagar Taluk and District.

5. J.Periyaraj

... Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in S.No. 213/4, Sevalpatti Village, Kooraikundu Village Panchayat, Virudhunagar Taluk and District, by considering the petitioner's representation dated 28.09.2022.

For Petitioner : Mr.G.R.Satish

For Respondents : Mr.P.Thilak Kumar
Government Pleader
for R1 to R3

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 4 to remove the encroachment made by the fifth respondent in Survey No.213/4, at Sevalpatti Village, Kooraikundu Village Panchayat, Virudhunagar Taluk and District, on the basis of the petitioner's representation dated 28.09.2022.

2. Heard Mr.G.R.Satish, learned counsel for the petitioner and Mr.P.Thilak Kumar, learned Government Pleader, who accepts notice for the respondents 1 to 3. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the respondents 4 and 5 is dispensed with.

4. Pointing out that the fifth respondent has encroached upon the Government poramboke land by putting up illegal construction in Survey No. 213/4, at Sevalpatti Village, Kooraikundu Village Panchayat, Virudhunagar District, which is said to be a vacant land used for the purpose of conducting meetings by the villagers, the petitioner submitted a representation dated 28.09.2022, to the respondents 1 to 3, which according to the learned counsel for the petitioner is unattended. Learned counsel for the petitioner would further submit that the petitioner would be satisfied if a direction is issued to the respondents 1 to 3 to consider the representation of the petitioner dated 28.09.2022, 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 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 respondents 1 to 3 to consider the representation of the petitioner dated



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28.09.2022 and pass appropriate orders on merits and in accordance with law. If

there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, fifth respondent and any others concerned, necessary action has to be taken by the authorities for removal of encroachment in the said vacant land, by following due process of law. Such an exercise shall be completed within a period of eight 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.]
17.10.2022

Internet : Yes / No
Index : Yes / No
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