



W.P.(MD) No.22414 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.22414 of 2018

B.Mohammed Iqbal

... Petitioner

-Vs-

1.The District Collector,
Pudukkottai.

2.The Revenue Divisional Officer,
Iluppur Post and Taluk,
Pudukkottai District.

3.The Thasildar,
Kulathur Taluk,
Pudukkottai District.

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4.The Block Development Officer,
Viralimalai Post and Taluk,
Pudukkottai District.

5.P.Jeyaraj

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to remove the encroachment made by the 5th respondent in park area in the approved lay out comprised in S.F.No.147 / 1A and 2A of Mathur village, Kulathur Taluk, Pudukkottai District, within a reasonable time to be fixed by this Court.

For Petitioner	: Mr.P.Ganapathi Subramanian
For R1 to R3	: Mr.P.Thilak Kumar Government Pleader
For R4	: Mr.J.Gunaseelan Muthiah
For R5	: Mr.S.Ramesh Alias Ramiah

ORDER

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

This Writ Petition has been filed, seeking a direction to the respondents 1 to 4 to remove the encroachment made by the 5th respondent in the

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park area in the approved lay out comprised in S.F.Nos.147 / 1A and 2A of Mathur village, Kulathur Taluk, Pudukkottai District.

2. According to the petitioner, he is the owner of the property in S.F.Nos.147/1A and 2A of Mathur Village, Kulathur Taluk, Pudukkottai District and formed a lay out in the name and style of “Royal City” and obtained approval from the Deputy Director of Town and Country Planning, Sivagangai. The 5th respondent has purchased the Plot Nos.1 and 1A, from the petitioner, however, he encroached the land, which is earmarked as park in the layout. Hence, the petitioner made a representation dated 06.09.2018 to the official respondents, however, the same was not considered so far. Hence, this Writ Petition.

3. The learned Government Pleader for the respondents 1 to 3 would submit that the representation of the petitioner dated 06.09.2018 will be considered and necessary order will be passed within a time frame to be fixed by this Court, for which course, the learned counsel for the petitioner is agreeable.

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4. In view of the above said submission, without going into the merits of the claim made by the petitioner, we direct the respondents 1 to 3 to consider the representation of the petitioner dated 06.09.2018 purely on merits and in accordance with law. If there is any encroachment, the authorities 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.

5. With the above direction, this Writ Petition stands 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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