



W.P.(MD) No.24337 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.24337 of 2022

M.Palanikumar

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collector,
Sivagangai District.
- 2.The Revenue Divisional Officer,
The Revenue Divisional Office,
Sivagangai District.
- 3.The Tahsildar,
Office of the Tahsildar,
Tirupuvanam Taluk,
Sivagangai District.
- 4.The Block Development Officer,
Tirupuvanam Taluk,
Sivagangai District.



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5.The Superintendent of Police,
Office of the Superintendent of Police,
Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 to 4 to remove encroachment by the respondent No.6 and 7 in the land relating to Survey No.509/2 situated in Sangakulam Village, Tirupuvanam Taluk, Vallarendhal, Sivagangai District based on the communication received from the Tahsildar in Na.Ka. A3/2248/2022 dated 18.08.2022 in accordance with law.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.P.Maharajan,
Spl. Govt. Pleader for R1 to R3
Mr.T.Senthil Kumar,
Additional Public Prosecutor for R5

ORDER

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

By consent, this Writ Petition is taken up for final disposal.

2. This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondent Nos.1 to 4 to remove the encroachment made by the



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respondent Nos.6 and 7 in the land in Survey No.509/2, situated in Sangakulam Village, Tirupuvanam Taluk, Vallarendhal, Sivagangai District, based on the communication received from the Tahsildar in Na.Ka.A3/2248/2022, dated 18.08.2022, in accordance with law.

3. The learned counsel appearing for the petitioner submitted that the respondents 6 and 7 made the aforesaid encroachment and in this regard, the petitioner made a representation on 03.02.2022 to the respondents seeking to remove the aforesaid encroachment. Pursuant to the said representation, the third respondent has by proceedings in Na.Ka.A3/2248/2022, addressed to the petitioner, dated 18.08.2022, stated that necessary steps have been taken to remove the encroachment. However, no steps were taken to implement the aforesaid order of the third respondent. Therefore, the petitioner made another representation on 13.10.2022 to the official respondents to remove the encroachment, however, till date, no steps have been taken by the respondents to remove the encroachment. Hence, the petitioner has filed this Writ Petition.



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4. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the representation of the petitioner dated 13.10.2022 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, in the place in question.

5. Considering the submissions made by both sides, without going into the merits of the claim made by the petitioner, this Court directs the official respondents to consider and dispose of the representation of the petitioner dated 13.10.2022, on merits and in accordance with law, by taking into consideration the proceedings of the third respondent in Na.Ka.A3/2248/2022, dated 18.08.2022 and 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. No costs.

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

vsm

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