



W.P.(MD) No.22860 of 2021

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

AND

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.22860 of 2021

Samuvel Durai

... Petitioner

-Vs-

1.The Revenue Tahsildar,
O/o.The Revenue Tahsildar,
Ottapidaram, Thoothukudi District.

2.The Inspector of Police,
Pudiamputhur Police Station,
Pudiamputhur, Thoothukudi District.

3.The Assistant Divisional Engineer,
Construction and Maintenance,
Ottapidaram, Thoothukudi District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to remove the encroachment in S.No.25/11, Sillantham-Puthiamputhur pursuant to the Letter Encroachment /2021/A2, dated 27.10.2021 issued by the 3rd respondent herein

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on the basis of the representation dated 10.12.2021 within the stipulated time as fixed by this Court.

For Petitioner : Mr.P.M.Saravanan
For R1 & R3 : Mr.P.Thilak Kumar,
Government Pleader
For R2 : Mr.T.Senthil Kumar,
Additional Public Prosecutor

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 to remove the encroachment made in S.No.25/11, Sillantham-Puthiamputhur, pursuant to the Letter Encroachment /2021/A2, dated 27.10.2021 issued by the 3rd respondent on the basis of the representation of the petitioner dated 10.12.2021 within a time frame.

2.The case of the petitioner is that one Jeyakumari has encroached the land in question by putting some containers therein. Hence, the petitioner made a representation to the respondents. Pursuant to the same, the proceedings under

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Section 133 Cr.P.C., came to be initiated against the said Jeyakumari. The Sub Divisional Magistrate cum Revenue Divisional Officer, Kovilpatti, by order dated 06.01.2021, directed the said Jeyakumari to remove the container boxes from the land in question. In compliance of the same, the container boxes were removed. Thereafter, once again, the said Jeyakumari and others have encroached the land in question by putting cement fencing stones. On intimation, the 3rd respondent, through his letter dated 27.10.2021, directed the said Jeyakumari to remove the aforesaid encroachment made by her. Though the said letter was communicated to the respondents 1 and 2, the authorities did not choose to remove the same. Hence, the petitioner made a representation dated 10.12.2021 to the respondents, seeking removal of the said encroachment. However, till date no action has been taken. Hence, this Writ Petition.

3.The learned Government Pleader appearing for the respondents 1 and 3 would submit that the representation of the petitioner dated 10.12.2021 would be considered on merits and appropriate action would be taken to remove the encroachment, if any in the place in question, by due process of law.

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4. Recording the above submission, without going into the merits of the case, we direct the authorities concerned to consider the representation of the petitioner dated 10.12.2021 in the light of the communication of the 3rd respondent dated 27.10.2021 and pass appropriate orders on merits and in accordance with law. 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.

5. With the above direction, this Writ Petition is disposed of. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
28.10.2022

Index : Yes / No
Internet : Yes / No
Myr

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To

- 1.The Revenu Tahsildar,
O/o.The Revenue Tahsildar,
Ottapidaram, Thoothukudi District.
- 2.The Inspector of Police,
Pudiamputhur Police Station,
Pudiamputhur, Thoothukudi District.
- 3.The Assistant Divisional Engineer,
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