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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

and

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD) No.24774 of 2022

M.Jeya ... Petitioner

Vs.

1.The District Collector,
Pudukkottai,
Pudukkottai District.

2.The Assistant Director,
Village Panchayat,
Pudukkottai,
Pudukkottai District.

3.The Tahsildar,
Thirumayam Taluk,
Pudukkottai District.

4.The Block Development Officer,
Thirumayam Taluk,

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Pudukkottai District.

5.Kamaraj ... 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 on the northern wide bund (Kulathu karai) of Nallathambi Oorani bearing S.F.No. 29 of Samuthiram Village, Thirumayam Taluk, Pudukkottai District, in light of the 3rd respondent's report dated 22.09.2022 in Na.Ka.No.2363/2022/A2, by considering the petitioners representation dated 11.09.2022.

For Petitioner : Mr.A.Aruljenifer

For Respondents : Mr.G.V.Vairam Santhosh,
Addl. Govt. Pleader for R1 & R3

Mr.S.P.Maharajan,
Spl. Government Pleader for R2 & R4

O R D E R

[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 1 to 4 to remove the encroachment made by the 5th respondent on the northern wide bund (Kulathu karai) of Nallathambi Oorani,

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bearing S.F.No. 29 of Samuthiram Village, Thirumayam Taluk, Pudukkottai District, in light of the 3rd respondent's report dated 22.09.2022 in Na.Ka.No. 2363/2022/A2, by considering the petitioner's representation dated 11.09.2022.

2. Heard Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who takes notice for respondents 1 & 2 and Mr.S.P.Maharajan, learned Special Government Pleader, who takes notice for the second and fourth respondents. In view of the nature of the order proposed to be passed, notice to the fifth respondent is dispensed with.

3. It is the case of the petitioner that the fifth respondent has encroached the northern bund of the aforesaid Oorani and in this regard, the petitioner made a representation on 11.09.2022, seeking removal of encroachment. In response to the same, the third respondent conducted a survey in the place in question and identified the nature and extent of encroachments therein and through his proceedings in Na.Ka.No.2363/2022/A2, dated 22.09.2022 directed the fourth respondent to remove the said encroachment. Despite the aforesaid direction of

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the third respondent, the fourth respondent has not taken any steps so far to remove the encroachment. Hence, the petitioner has filed this Writ Petition.

4. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the representation of the petitioner dated 11.09.2022 would be considered by the official respondents and appropriate action will be taken to remove the encroachment, if any, in the place in question, for which, the learned counsel for the petitioner is agreeable.

5. Recording the above submission, this Writ Petition is disposed of with a direction to the authorities concerned to consider and dispose of the representation of the petitioner dated 11.09.2022, in the light of the proceedings of the third respondent in Na.Ka.No.2363/2022/A2, dated 22.09.2022, on merits and in accordance with law. If there is any encroachment in the place in question, 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 twelve (12)

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weeks from the date of receipt of a copy of this order. No costs.

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

vsm **01.11.2022**

To

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Pudukkottai District.

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R.MAHADEVAN, J.
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J.SATHYA NARAYANA PRASAD, J.

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