



W.P.(MD)No.25259 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

and

THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.25259 of 2022
and W.M.P.(MD) No.19353 of 2022

Revathi

... Petitioner

Vs.

1.The District Revenue Officer,
Allinagaram Taluk,
Theni District.

2.The Municipal Commissioner,
Theni Allinagaram Municipality,
Theni – 626 531.

3.The Special Tahsildar,
Land and Tax Department,
Allinagaram Taluk Office,
Allinagaram Taluk,
Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the 2nd respondent to remove the encroachment of 7.02 cents in the petitioner's property for "Boosthi Vaaikal" without any prior notice in Survey Nos.361/1 and 361/2 at 60 Feet Scheme Road, Pennycuik Nagar, Theni District and consider the petitioner's representation dated 11.10.2022.



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For Petitioner : Mr.B.Sargunam
For Respondents 1 & 3 : Mr.G.V.Vairam Santhosh
Additional Government Pleader
For 2nd Respondent : Mr.G.Kaleeshwaran
Standing Counsel

* * *

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 2nd respondent to remove the encroachment of 7.02 cents in Survey Nos.361/1 and 361/2 at 60 Feet Scheme Road, Pennycuik Nagar, Theni District, which belongs to the petitioner by considering her representation dated 11.10.2022.

2. Heard Mr.B.Sargunam, learned counsel for the petitioner, Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 & 3 and Mr.G.Kaleeshwaran, learned Standing Counsel, who accepts notice on behalf of the second respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Alleging that without any prior notice, the 3rd respondent had taken away 7.02 cents in S.Nos.361/1 and 361/2, which belongs to the petitioner arbitrarily and made encroachment, the petitioner submitted a representation to the second respondent on 11.10.2022 and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

4. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, she would be satisfied, if a direction is issued to the second respondent to dispose of her representation dated 11.10.2021, within a time frame.

5. Considering the limited scope of the prayer now sought for by the petitioner, without expressing any opinion on the merits of the 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 second respondent to consider the representation of the petitioner dated 11.10.2022, and pass appropriate orders on merits and in accordance with law. Such an exercise shall be completed within a



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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.]
08.11.2022

Internet : Yes / No
Index : Yes / No
sj

To

- 1.The District Revenue Officer,
Allinagaram Taluk,
Theni District.
- 2.The Special Tahsildar,
Land and Tax Department,
Allinagaram Taluk Office,
Allinagaram Taluk,
Theni District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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