



W.P.(MD) No.25311 of 2022

WEB COPY 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.25311 of 2022

Eswari

... Petitioner

-Vs-

1.The District Collector,
Virudhunagar District.

2.The Block Development Officer,
Kariyapatti Panchayat Union,
Virudhunagar District.

3.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

4.Rajasekar

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to remove the encroachments made by way of fencing in Survey No. 94/1H3B1, Aviyur Village, Kariyapatti

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Taluk, Virudhunagar District within the time stipulation as prescribed by this Honble Court by considering the petitioner's representation dated 06.10.2022.

For Petitioner : Mr.RL.Dhilipan Pandian
For R1 to R3 : Mr.S.P.Maharajan,
Special Government Pleader.
For R4 : Mr.P.Sureshkumar

ORDER

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

This Writ Petition has been filed, seeking a Writ of Mandamus, directing the respondents to remove the encroachments made by way of fencing in Survey No. 94/1H3B1, Aiyur Village, Kariyapatti Taluk, Virudhunagar District, within a time frame, by considering the petitioner's representation dated 06.10.2022.

2. Heard Mr.RL.Dhilipan Pandian, learned counsel appearing for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader, who takes



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notice for the respondents 1 to 3 and Mr.P.Suresh Kumar, learned Counsel, who takes notice for the fourth respondent.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

4. It is the claim of the petitioner that the fourth respondent has encroached the land by way of fencing in the aforesaid survey number and in this regard, the petitioner made a representation on 06.10.2022, seeking for removal of the aforesaid encroachment. However, till date, the respondents have not taken any steps to remove the encroachment. Hence, the petitioner has filed this Writ Petition.

5. The learned Special Government Pleader appearing for the respondents 1 to 3 submitted that the representation of the petitioner dated 06.10.2022 would be considered by the official respondents and appropriate action will be taken to remove the said encroachment, if any, in the place in question, for which, the learned counsel for the petitioner is agreeable.

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6. 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 06.10.2022, 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 four (4) weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] & [J.S.N.P., J.]
08.11.2022

Index : Yes / No
Internet : Yes / No
VSM



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