



W.P.(MD)No.25502 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2022

CORAM

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**
and
THE HONOURABLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P(MD)No.25502 of 2022

Chivalli

... Petitioner

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Revenue Divisional Officer,
Sivagangai,
Sivagangai District.
- 3.The Special Tahsildar,
Adi-Dravidar District Welfare Office,
Sivagangai,
Sivagangai District.
- 4.The Tahsildar,
Ilayngudi Taluk,
Sivagangai District.
- 5.The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi,
Sivagangai District.

6.Nagavalli

.. Respondents



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Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 2 to 5 to remove the encroachment made by the 6th Respondent in the Petitioner's property comprised in Survey Nos.191/4, 194/1, 194/3A, 194/5A1 and 14/5A2, Plot No.72, situated at Ilayngudi South Group, Ilayangudi Taluk, Sivagangai District, by considering the Petitioner's representation dated 27.10.2022.

For Petitioner : Mr.K.Malaimaran

For Respondents 1 to 4 : Mr.V.Nirmal Kumar
Government Advocate

For 5th Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

* * *

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 respondents 2 to 5 to remove the encroachment made by the 6th Respondent in her property comprised in Survey Nos.191/4, 194/1, 194/3A, 194/5A1 and 14/5A2, Plot No.72, situated at Ilayngudi South Group, Ilayangudi Taluk, Sivagangai District, by considering her representation dated 27.10.2022.



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2. Heard Mr.K.Malaimaran, learned counsel for the petitioner, Mr.V.Nirmal Kumar, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 4 and Mr.T.Senthil Kumar, learned Additional Public Prosecutor, who accepts notice on behalf of the 5th respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.

3. Having regard to the nature of the order proposed to be passed in this writ petition, notice to the 6th respondent is dispensed with.

4. Claiming that she belongs to Scheduled Caste Community and the 3rd respondent has allotted Plot No.72, Ilayangudi South Group, Ilayangudi Taluk, Sivagangai District, to her as a free house plot, in which she has constructed a tiled house and was living there and when she went to her mother-in-law's house for taking treatment to her husband, the 6th respondent encroached her property by obtaining fake documents, the petitioner submitted a representation to the official respondents on 27.10.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.



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5. 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 third respondent to dispose of her representation dated 27.10.2022, within a time frame.

6. 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 3rd respondent to consider the representation of the petitioner dated 27.10.2022, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, the 6th respondent and all other parties concerned. Such an exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

[R.M.D., J.] [J.S.N.P., J.]
10.11.2022

Internet : Yes / No
Index : Yes / No
sj



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To

WEB COPY

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Sivagangai District.
- 3.The Special Tahsildar,
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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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