



W.P.(MD) No.25450 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.11.2022

CORAM:

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

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S.Palanivelrajan

... Petitioner

-vs-

- 1.The District Collector
Madurai District
- 2.The Tahsildar
Madurai North
Madurai
- 3.The Commissioner
Madurai Corporation
Madurai
- 4.The Chief Engineer
Water Resource Department
Public Works Department
Madurai Region, Madurai
- 5.Kavitha Devi
- 6.Shanthi Somanathan



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7.Natarajan

8.Alagar

9.Perumal

10.The Secretary
Comfort Apartments
Nakkirar Street
Kurungi Nagar
Reserve Line Post
Madurai-625 014

... 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 encroachments in Survey Nos.21/2, 22/1 & 22/5 at Kabilar Street, Kuruchi Nagar, Madurai and Chinna Puliyamkulam Kammai situated in Survey Nos. 20/1 & 20/6, to an extent of 2 Hectares and 30.50 Ares mentioned as Government Poramboke Kanmai in Ward No.13 (Old Ward No.48), Athikulam Village, New Natham Road, Madurai and restore the Chinna Puliyamkulam Kammai to its original position as per the revenue records of the Government.

For Petitioner : Mr.S.Vanchinathan

For Respondents : Mr.P.Thilakkumar
Government Pleader for R1, R2 & R4
Mr.S.Vinayak, Standing Counsel, for R3



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ORDER

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

Mr.P.Thilakkumar, learned Government Pleader, takes notice for the respondents 1, 2 & 4 and Mr.S.Vinayak, learned Standing Counsel, takes notice for the third respondent.

2. Since the writ petition is disposed of at the admission stage itself and in view of the nature of the order proposed to be passed, notice to the private respondents is dispensed with.

3. With the consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

4. The prayer in the writ petition is for issuance of a writ of mandamus directing the respondents 1 to 4 to remove the encroachments in Survey Nos.21/2, 22/1 & 22/5 at Kabilar Street, Kuruchi Nagar, Madurai and in Chinna Puliyaikulam Kammai situated in Survey Nos.20/1 & 20/6, to an extent of 2 Hectares and 30.50 Ares, which is classified as Government



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Poramboke Kanmai, in Ward No.13 (Old Ward No.48), Athikulam Village, New Natham Road, Madurai and to restore the Chinna Puliyamkulam Kammai to its original position, as per the revenue records.

5. The grievance of the petitioner is that though he made a representation, dated 22.03.2022 to the respondents 1 to 3 seeking removal of the encroachments made by the private respondents in the aforesaid survey numbers, till date the same has not been considered.

6. The learned Government Pleader appearing for the respondents 1, 2 & 4, on instructions, submitted that the petitioner's representation, dated 22.03.2022 would be considered and appropriate action would be taken, in accordance with law.

7. In view of the above, without going into the merits of the claim made by the petitioner, the respondents 1 to 4 are directed to consider the petitioner's representation dated 22.03.2022 and pass appropriate orders, if not already disposed of, on merits and in accordance with law. If there is any encroachment as pointed out by the petitioner, the same shall be removed, after giving due notice and sufficient opportunity to all the parties concerned



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and by following due process of law, within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above direction, this writ petition is disposed of. No costs.

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

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Index : Yes / No

Internet : Yes / No

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