



W.P.(MD)No.26218 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.11.2022

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THE HONOURABLE Mrs.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) No.26218 of 2022

and

W.M.P.(MD)No.20394 of 2022

M.Malaiyalan

.. Petitioner

Vs.

- 1.The District Collector,
O/o.The District Collectorate,
Karur District.
- 2.The Block Development Officer,
O/o.The Block Development Office,
Thogamalai Block, Karur District.
- 3.The Deputy Block Development Officer,
O/o.The Deputy Block Development Office,
Thogamalai Block, Karur District.
- 4.The Surveyor,
Kulithalai Taluk,
Karur District.
- 5.The Village Administrative Officer,
Naganorr Village, Kulithalai Taluk,
Karur District.
- 6.The President,
Naganorr Village Panchayat,
Kulithalai Taluk, Karur District.
- 7.The Ward Member,
Naganoor Village Panchayat,
Kulithalai Taluk, Karur District.

.. Respondents



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Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the first respondent to take necessary action against the second to sixth respondents to remove the land acquisition made by the seventh respondent in the petitioner's property situated in Survey Nos.30/1A, 30/1B, 30/2A, 30/2B, 30/2C and 30/2D within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.G.M.Xavier
For RR1, 4 & 5 : Mr.A.Kannan
Additional Government Pleader
For RR2, 3, 6 & 7 : Mr.J.John Rajadurai
Government Advocate

ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the first respondent to take necessary action against the second to sixth respondents to remove the land acquisition made by the seventh respondent in the petitioner's property situated in Survey Nos.30/1A, 30/1B, 30/2A, 30/2B, 30/2C and 30/2D within a stipulated time that may be fixed by this Court.

2. Heard Mr.G.M.Xavier, learned counsel for the petitioner and Mr.A.Kannan, learned Additional Government Pleader and Mr.J.John Rajadurai, learned Government Advocate, who take notice for the respondents.



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

3.The grievance of the petitioner is that the petitioner had purchased property in Survey Nos.30/1A, 30/1B, 30/2A, 30/2B, 30/2C and 30/2D vide registered document. He put boundary stones in his land after making proper survey. The respondents 2 to 7 trespassed into his land stating that Child Welfare Centre is going to be constructed in this place.

4. The learned counsel for the petitioner submitted that the the petitioner is the absolute owner of the above said property. The adjacent land is the Government poromboke. The seventh respondent without considering the same, had trespassed into the patta land of the petitioner. Hence, the petitioner lodged a complaint on 28.10.2022. Even thereafter, the seventh respondent had buildup foundation for the Child Welfare Centre. The respondents without considering the long possession of the petitioner and without any prior notice trespassed into the land of the petitioner and also made some construction. Hence, the petitioner made a representation to the first respondent on 07.11.2022. But the same is pending for considering till now. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.



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WEB COPY 5. Though larger relief has been sought by the petitioner in this writ petition, now the petitioner is constrained to confine his prayer that it would suffice to issue a direction to the respondents to consider the petitioner's representation, dated 07.11.2022.

6. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, as well as any other necessary party, whom the respondents deems fit to enquire.

7. Considering the above said submissions, this Court, without expressing any opinion on the merits of the matter, directs the first respondent to consider the petitioner's representation dated 07.11.2022 seeking to take action against the respondents 2 to 6 and pass appropriate orders, on merits and in accordance with law after affording a fair hearing to the petitioner, as well as any other necessary party, within a period of eight [8] weeks from the date of receipt of a copy of this order. It is further directed that the respondents shall survey and fix boundaries in the petitioner's land by following due process of law.



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WEB COPY 8. With the above direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

21.11.2022

Index : Yes/No

Internet : Yes/No

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V.BHAVANI SUBBAROYAN, J.

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Order made in
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