



W.P.(MD)No.25969 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.12.2022

CORAM

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

W.P(MD)No.25969 of 2022

B.Shanthi

... Petitioner

Vs.

- 1.The District Collector,
Trichirappalli District,
Trichirappalli – 620 001.
- 2.The Block Development Officer (Village Panchayat),
Thiruvarumbur Panchayat Union,
Thiruvarumbur,
Trichirappalli – 620 013.
- 3.The Assistant Director,
Town and Country Planning,
Tiruchirappalli Region,
Kajamalai Main Road,
Kajamalai,
Tiruchirappalli – 620 023.
- 4.The Thasildar,
Thiruvarumbur Taluk,
Trichirappalli – 620 013.
- 5.The President,
Gundur Panchayat,
Thiruvarumbur Panchayat Union,
Trichirappalli – 620 007.



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6.Poornalingam

Secretary,
Sri Vinaitheerkum Vinayagar Aalayam,
Door No.6/28, Gandhi Nagar,
Gundur Village, Airport Post,
Tiruchirappalli – 620 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents to take proper legal action to remove the encroachment and restore the S.F.No.130/2A-42 as a public Park.

For Petitioner : Ms.S.Prabha

For Respondents 1 to 4 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

For 5th Respondent : Mr.A.N.Ramanathan

* * *

ORDER

(Order of the Court was made by **R.MAHADEVAN, J.**)

This Writ Petition has been filed by the petitioner, seeking issuance of a Writ of Mandamus, directing the respondents to take proper legal action to remove the encroachment and restore the S.F.No.130/2A-42 as a Public Park.

2. Heard Ms.S.Prabha, learned counsel for the petitioner and Mr.G.V.Vairam Santhosh, learned Additional



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Government Pleader, who accepts notice on behalf of the respondents 1 to 4 and Mr.A.N.Ramanathan, learned Standing Counsel, appearing for 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 5th respondent is dispensed with.

4. Claiming that an approved layout was created in the name of 'Gandhi Nagar', in S.F.No.130/2A, Gundur Village, Thiruvarumbur Panchayat, Tiruchirappalli District, in which, though S.F.No.130/2A-42 was earmarked as park, it was encroached upon and a Temple was constructed therein by the 6th respondent, the petitioner submitted a representation to the official respondents on 04.01.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned Additional Government Pleader appearing for the respondents 1 to 4, on instructions, submitted that the



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representation of the petitioner, dated 04.11.2022, was considered by the concerned authority and steps are being taken for removal of the encroachment in the place in question.

6. Recording the said submission of the learned Additional Government Pleader appearing for the respondents 1 to 4, the Writ Petition stands disposed of with a direction to the 4th respondent to conduct a survey in the place in question, after issuing notice to the petitioner, 6th respondent and any other parties, and shall take necessary action for removal of the encroachment, if any, in the place in question, after affording an opportunity of hearing to all the parties concerned and by following due process of law. 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.]
01.12.2022

Internet : Yes / No
Index : Yes / No
sj



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WEB COPY

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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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