



W.P.(MD)No.26015 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2022

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

W.P(MD)No.26015 of 2022

S.Arumugam

Vs.

... Petitioner

- 1.The District Collector,
Office of the Collectorate,
Trichy.
- 2.The Assistant Director of Panchayat,
Office of the Assistant Director of Panchayat,
Trichy.
- 3.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Sri Rangam, Trichy.
- 4.The Tahsildar,
Manapparai Post and Taluk,
Trichy District.
- 5.The Block Development Officer,
Office of the Block Development Officer,
Manapparai Union, Trichy.
- 6.The President,
Amaiyapuram Village,
Manapparai Taluk,
Trichy District.

7.S.Rajendran

... 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 1 to 6 to take appropriate action to remove the encroachment made by the 7th respondent in the Natham Poramboke in S.F. No.81/23 of Amayapuram Village of Manapparai Taluk, Trichy District.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents 1 to 3 : Mr.S.P.Maharajan
Special Government Pleader

For Respondents 4 & 5 : Mr.G.V.Vairam Santhosh
Additional Government Pleader

* * *

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 1 to 6 to take appropriate action to remove the encroachment made by the 7th respondent in the Natham Poramboke in S.F. No.81/23 of Amayapuram Village of Manapparai Taluk, Trichy District.

2. Heard Mr.S.Ramsundarvijayraj, learned counsel for the petitioner, Mr.S.P.Maharajan, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 3 and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, who accepts notice on behalf of the respondents 4 & 5. By consent



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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 respondents 6 and 7 is dispensed with.

4. Alleging that the 7th respondent has encroached the Natham Poramboke in S.F. No.81/23 of Amayapuram Village of Manapparai Taluk, Trichy District, and using it as a cow shed, the petitioner submitted a representation to the official respondents on 05.09.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

5. Learned counsel for the petitioner would further submit that though the petitioner has sought for a larger relief, he would be satisfied, if a direction is issued to the 4th respondent to dispose of his representation dated 05.09.2022, within a time frame.



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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 4th respondent to consider the representation of the petitioner dated 05.09.2022, and pass appropriate orders on merits and in accordance with law. If there is any encroachment as claimed by the petitioner, after issuing notice and conducting survey in the presence of the petitioner, the 7th respondent and any other parties, the authorities concerned shall take necessary action for removal of the encroachment, 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.]
17.11.2022

Internet : Yes / No
Index : Yes / No
sj



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To

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Office of the Assistant Director of Panchayat,
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Office of the Block Development Officer,
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and

J.SATHYA NARAYANA PRASAD, J.

sj

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