



W.P.(MD)No.26388 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2022

CORAM

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

W.P(MD)No.26388 of 2022

Arunachalam

... Petitioner

Vs.

1.The District Collector,
Tenkasi District,
Tenkasi.

2.The District Revenue Officer,
Tenkasi District,
Tenkasi.

3.The Revenue Division Officer,
Tenkasi District,
Tenkasi.

4.The President,
Alangulam Panchayat Union,
Tenkasi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, to direct the respondents 1 to 3 to remove the illegal encroached toilet made by the 4th respondent in petitioner land in Survey No.211/1 situated at Naloor Panchayat Alangulam Union, Tenkasi District, within a time frame as fixed by this Hon'ble Court.



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For Petitioner

: Mr.J.Imran Khan

For Respondents 1 to 3

: Mr.V.Nirmal Kumar
Government Advocate

For 4th Respondent

: 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 3 to remove the illegal encroachment made by the 4th respondent by constructing a toilet in the petitioner's land in Survey No.211/1, situated at Naloor Panchayat Alangulam Union, Tenkasi District, within a time frame.

2. Heard Mr.J.Imran Khan, learned counsel for the petitioner, Mr.V.Nirmal Kumar, learned Government Advocate, who accepts notice on behalf of the respondents 1 and 3 and Mr.G.V.Vairam Santhosh, learned Additional Government Pleader, appearing for the 4th respondent. By consent of both parties, the Writ Petition is taken up for final disposal at the admission stage itself.



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3. Alleging that the 4th respondent Panchayat Union without notice and following due process of law has encroached the petitioner's land in Survey No.211/1, situated at Naloor Panchayat Alangulam Union, Tenkasi District, and constructed a toilet therein, the petitioner submitted a number of representations to the respondents 1 to 3 and finally on 01.11.2022, and the same, according to the learned counsel for the petitioner, remains as such. Hence, the Writ Petition.

4. 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 first respondent to dispose of his representation dated 01.11.2022, 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 first respondent to consider the representation of the petitioner dated



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01.11.2022, 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 4th 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 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.]
23.11.2022

Internet : Yes / No

Index : Yes / No

sj

To

- 1.The District Collector,
Tenkasi District,
Tenkasi.
- 2.The District Revenue Officer,
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Tenkasi.
- 3.The Revenue Division Officer,
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4.The President,
Alangulam Panchayat Union,
Tenkasi District.



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R.MAHADEVAN, J.

and

J.SATHYA NARAYANA PRASAD, J.

sj

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